

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 3, 2019
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met in a Regular Meeting on **Wednesday, April 3, 2019 at 9:00 a.m.**, in the City Commission Chambers, 126 North St. Andrews Street, Room 203, of the Roy L. Driggers Municipal Building (Civic Center).

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

1. **Invocation** – Dr. John Fain, First Baptist Church
2. **Pledge of Allegiance** – Dr. Fain led everyone in the Pledge
3. **Members Present:** Chair, Gina Grant, Vice-Chair Donnie Wells, Angela McNeal, Chad Lisenby, Tillman Black, Michael Smith, and James Williams.
Members Absent:

Others Present:
Vanita Sansom (SUP), Todd McDonald, AICP, Planning Director; Anthony Vallone, Planner I, Frank Breaux, AICP, Sr. Planner, Kevan Kelly, Assistant Attorney, Stacey Livingston, Business Services Manager; Members of the Media; and, Theresa Eddy, Board Secretary
4. **Approval of the Agenda**
Chair Grant asked Mr. Vallone if there were any changes to the agenda to which Mr. Vallone responded that there were none. **Mr. Wells made a motion to approve the agenda, Mr. Smith seconded, and the motion carried.**
5. **Approval of March 6, 2019, Meeting Minutes**
Chair Grant asked for a motion on the meeting minutes as written. **Ms. McNeal made a motion to approve, Mr. Black 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-19-0081: Request for approval of a Special Exception for a Non-Qualified Home Occupation for a lawn care business located at 214 Lace Dr., R-1 District, Braxton Chitty. Approved with stipulations.** Mr. Braxton Chitty, residing at 214 Lace Dr., addressed the board and explained that this will be a part-time occupation. Chair Grant asked if Mr. Chitty had read and had questions regarding the twenty (20) staff recommendations and Mr. Chitty responded that he had read them and did not have any questions. Chair Grant asked if anyone in the audience was present in regard to this case with no response. Chair Grant asked if the board members or Planning staff had any questions and Mr. Vallone asked where Mr. Chitty would be storing his equipment and Mr. Chitty responded, in his garage. With no further questions, Chair Grant asked for a motion. **Mr. Williams motioned to**

approve with the twenty (20) staff recommendations, Mr. Smith seconded, and the motion carried.

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

9. **SE-19-0101: Request for approval of a Special Exception for a Religious Institution located at 2581 Hodgesville Rd., A-C District, Charles Herring.** Mr. Charles "Ted" Herring, residing at 2581 Hodgesville Road, addressed the board and explained that he inherited 5 buildings on 5 acres. Mr. Herring stated that one of the buildings had been used for a Bible College and he would like to use it for a Community Fellowship Sanctuary and food distribution. Chair Grant asked if anyone in the audience was present for this case with no response. Chair Grant asked Mr. Herring if he read and understood the two (2) staff conditions and Mr. Herring affirmed. Chair Grant asked if anyone on the board had questions with no response. Chair Grant asked if the Planning staff had any questions and Mr. McDonald inquired about the food distribution to which Mr. Herring affirmed that, even though he was certified with ServSafe, there wouldn't be any preparation or cooking of food as there was no kitchen, the food would all be obtained through the local food bank and kept in separate freezers. **Mr. Williams motioned to approve with the two (2) staff conditions, Mr. Wells seconded, and the motion carried.**

1. Prior to occupancy, the Fire and Building Departments must inspect the building; and,
2. If required, a building permit(s) must be obtained within six (6) months of the special exception approval.

10. SE-19-0105: Request for approval of a Special Exception for a Non-Qualified Home Occupation for a Home Salon located at 3201 Candlewood Drive, R-1 District, Regina Douglas. Mrs. Regina Douglas, residing at 3201 Candlewood Drive, addressed the board and explained that she had worked in a salon but was looking to be a stay-at-home mom and had about 15 clients she would like to continue with. Chair Grant stated that this normally wasn't allowed but that there have been exceptions and asked Mrs. Douglas if she had read and understood the staff's recommendations and Mrs. Douglas affirmed. Chair Grant asked if anyone in the audience was present in regard to this case and Mr. Desmond Douglas, Mrs. Regina Douglas' spouse, addressed the board in support of his wife. Chair Grant asked if anyone on the board had questions and Ms. McNeal wanted to know Mrs. Douglas's schedule. Mrs. Douglas stated that she was looking for Tuesday-Friday, 10:00 a.m. – 4:00 p.m. and that she would only do one client a day by appointment only. Mr. Wells asked if Mrs. Douglas had a separate room in the house and if she understood that she would still need to go through the Board of Cosmetology and Mrs. Douglas affirmed stating that she had to be approved by the City first and had a separate room. Mr. Vallone stated that he had received phone calls from some of the neighbors in approval. Mr. Smith asked if one customer a day was going to be enough and Mrs. Douglas stated that she was open to allowing more. With no further questions, Chair Grant asked for a motion. **Mr. Williams motioned to approve with the nineteen (19) staff recommendations adding a No. 20 stipulation of operation hours to be Tuesday thru Friday, 10:00 a.m. to 4:00 p.m. with two (2) clients per day, Mr. Lisenby 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 (90) days of approval and subsequently if the license is allowed to lapse;
3. The applicant shall obtain a 5 lbs. ABC type fire extinguisher (Area covered by fire extinguisher will have 2A3A-30BC designation per National Fire Code-10.);
4. No more than twenty-five percent (25%) 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. Parking for customer vehicles shall be located on-site on a paved surface and not in the street.
8. Only residents of the home are authorized to engage in business activity at the home;
9. Only one customer, by appointment only, is permitted at the home at any time;
10. All work-related activities must be conducted inside the home;
11. No accessory building shall be used in conjunction with the business;
12. No business-related vehicle may be parked in the street;
13. If business-related materials or equipment are delivered to the home, there shall be no more than two (2) deliveries per week, and the delivery vehicle shall have no more than a single axle with six (6) wheels;
14. There shall be no signs or advertisements at the home, including on the mailbox;
15. The Special Exception is subject to all necessary local and state regulations and policies;
16. 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;
17. The applicant is responsible for observing any private covenants which may impact the proposed home occupation;
18. Any other restriction as may be considered appropriate by the administrative official or the board of zoning adjustment; and
19. Violation of any of the aforementioned conditions could result in revocation of the approval.

20. No more than two customers per day between the hours of 10:00 a.m. and 4:00 p.m., Tuesday through Friday, will be allowed at the residence.

11. SE-19-0106: Request for approval of a Special Exception for a Non-Qualified Home Occupation for a Lawn Care Business located at 205 Fox Hollow Way – R-1 District, Terell Brinkley. Mr. Terell Brinkley addressed the board and stated that this would be a full-time occupation with no employees. Mr. Brinkley stated that if the business would grow, he would look for a commercial location. Chair Grant asked if Mr. Brinkley read and understood the twenty (20) staff recommendations and Mr. Brinkley affirmed. Chair Grant asked if anyone in the audience was present in regard to this case with no response. Chair Grant asked where Mr. Brinkley was going to keep his equipment and Mr. Brinkley stated, on a trailer in the fenced in back yard. Chair Grant asked if anyone had any questions with no response. Chair Grant asked Mr. Brinkley if he had any questions to which he did not. Chair Grant then asked for a motion. ***Ms. McNeal motioned to approve with the twenty (20) staff recommendations, Mr. Black seconded, and the motion carried.***

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

12. Discussion

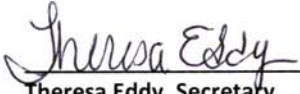
13. Adjourn.

Mr. Smith made a motion to adjourn, Mr. Black seconded, and the motion carried.

The meeting adjourned at 9:30 a.m. The next meeting is on May 1, 2019.



Gina Grant, Chair



Theresa Eddy, Secretary