

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 5, 2016
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met in a Regular Meeting on **Wednesday, October 5, 2016 at 9:00 a.m.**, in the City Commission Chambers, Dothan, Alabama.

MEMBERS PRESENT:

Chairman Gina Grant
Vice Chairman Angela McNeal
Chad Lisenby
Donnie Wells
Ed Vaughn
Tillman Black
James Williams
Mike Blissett - Supernumerary

MEMBERS ABSENT:

Vanita Sansom - Supernumerary

OTHERS PRESENT:

Frank G. Breaux, AICP, Senior Planner; Todd McDonald, AICP, Planning & Development Director; Craig Scurlock, Building Inspector; and, Theresa Eddy, Secretary

Chairman Grant called the meeting to order at 9:00 a.m.

Chairman Grant asked that everyone turn their cell phones to silent and to step to the podium and state their name and address when addressing the board.

1. Approval of Agenda

Mr. Vaughn made a motion to approve the agenda as presented. Mr. Black seconded, and the October 5, 2016 agenda was approved unanimously.

2. Approval of September 7, 2016 Meeting Minutes

Chairman Grant asked for a motion to approve the September 7, 2016 Meeting Minutes as written. Vice Chairman McNeal made a motion to approve, Mr. Williams seconded the motion, and the minutes were approved unanimously.

3. Disclosure of ex parte contact

Chairman Grant explained that this agenda item was for the purpose of disclosing to the public any board member's prior contact with the applicants or adjacent property owners, regarding general questions about the application process and items of concern or interest. **No disclosures.**

Old Business

4. None

New Business

- 5. SE-16-0369: Request for approval of a Special Exception for a Non-Qualifying Home Occupation for a Tile Contractor located at 110 W. Fontana Circle, R-3 District, Derek L. Smith.** Mr. Derek Smith of 110 W. Fontana Circle addressed the board. Chairman Grant asked him to explain his business and where he would be storing his materials. Mr. Smith replied that he will be storing his materials in a 5x8 trailer and he's looking to expand his business in the Dothan area. Chairman Grant asked if he read, understood, and could abide by the 20 stipulations and he responded, yes. She explained that the 20 stipulations for a Home Occupation state that a home occupant can have a dedicated room in their home that they can have a computer in, have a work-related cell phone, and they can have a home-based business for tax purposes. They cannot have employees at their home or any signage whatsoever. She stated that we purchase our homes in a residential neighborhood to keep it residential not to have businesses where we live. A home occupation is treated differently. She then asked if anyone was in the audience in

reference to this matter with no response. She asked the board if they had any questions. Mr. Black asked if his trailer was open or enclosed and he responded that it was enclosed. Mr. Wells asked if he had signage on the trailer and where he planned to park it. Mr. Smith responded that he planned on putting advertising on the truck and he would park it alongside the house, back by the fence. He also said that if it would be an issue, he could park it in the backyard. Chairman Grant and Mr. Wells asked if the gate was big enough to get the trailer through since the photo looked like it was a narrow passage and he responded that the trailer is a 5x8 and the gate opens to 8 feet wide. Mr. Breaux stated that the equipment trailer would need to be behind the fence since Stipulation #13 states, "Equipment and/or any trailer used to transport the equipment are shielded from the view of the street and adjacent properties". Mr. Smith stated that he would abide by that. Chairman Grant asked if anyone else had any further questions with no response. **Mr. Vaughn motioned to approve, Mr. Wells seconded and the motion was passed unanimously.**

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 left over 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. 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.

6. **SE-16-0393: Request for approval of a Special Exception for a Non-Qualified Home Occupation for a Concrete Contractor located at 2615 Creekwood Dr., R-4 District, Anthony Oliver.** Mr. Anthony Oliver of 2615 Creekwood Drive addressed the board. Chairman Grant asked him to explain his business. He responded that he would not have any materials at his home, and he would not be storing anything but would have signage on his truck. He would go to the hardware store and then go to the job. No materials would be returning to the home. Chairman Grant asked if he read, understood, and could abide by the 20 stipulations and he responded, yes. Chairman Grant asked if anyone in the audience was present in reference to this matter. Mr. Hipwell of 202 Hickory Road, Dothan addressed the commission stating that he was the homeowner. He asked if the commission would hold off their decision until he could verify with them that it wouldn't

affect his VA Loan in any way. Chairman Grant disclosed that she and others on the commission are in real estate and there's also a home builder as well. She also stated that she's been sitting on the Board for almost 20 years. She explained that there have been VA Loans, Conventional Loans, FHA Loans and USDA Loans on homes and it doesn't affect a home occupation whatsoever. Mr. Breaux stated that it's a land use issue only, it does not change the property to a commercial property. It allows the business owner to obtain a business license and to show this address as his physical address for the purposes of conducting his business by receiving business mail, using the internet, telephone, and dealing with customers. The 20 stipulations protect the neighborhood with their conditions. Chairman Grant asked if Mr. Hipwell had read the 20 stipulations and he had not. He explained that he had just returned to town so Chairman Grant allowed him to read them before going further. After a pause, Chairman Grant asked if Mr. Hipwell would return to the podium. He asked about stipulation #13, explaining that there isn't a fence or a way to shield an equipment vehicle on that property and he didn't plan on having one built. He also wanted to address stipulation #16 and asked what it meant by business related materials the occupant would use. Chairman Grant invited Mr. Oliver back to the podium and she asked him to explain what his work vehicle would be and to verify his work materials and where he would store them. He responded that he would be using a pickup truck and when he is hired for a job, he would go to Lowe's and pick up what he needs for the job. There would be no materials stored at the house and he will not be coming home with any materials from a job site. Chairman Grant wanted to remind everyone that if he did not abide by the 20 stipulations, his neighbors would report it to the City. If his business does grow, he would need to get a commercial location. Mr. Hipwell had one last question regarding the zoning. He wanted to know if the property would be zoned commercial. Chairman Grant expressed that this approval or non-approval was for the applicant only and not the property. When the lease is up and he gets a new tenant, this will not apply to them. Mr. Hipwell was satisfied with that. Chairman Grant asked the board if they had any questions with no response. She asked Mr. Oliver if he had any questions and he said no. She then asked for a motion. **Mr. Vaughn motioned for approval, Mr. Williams seconded, and the motion passed unanimously.**

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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 left over 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. 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.

7. **V-16-0394: Request for approval of a 29 foot rear yard setback variance located 100 Westfield Dr., R-1 District, Pavel Mazaev.** Mr. Mazaev of 100 Westfield Drive addressed the board. Chairman Grant stated that there was a discussion before the meeting regarding the need for a 29 foot variance. Mr. Breaux showed the location on the screen and explained that where he wanted to build the patio would be considered the side yard and he would only need a 4-foot variance to construct the patio as he has it proposed. Chairman Grant said that we could motion to amend this to a 4-foot side yard setback variance and Mr. Breaux concurred. Mr. McDonald stated that Mr. Mazaev would have to request the amendment and he agreed to that. Chairman Grant said that she did not see anything that would affect the health or safety of anyone, looked at the age of the house, and the impact on neighbors. She didn't see any reason to not go ahead with the motion. She then asked if anyone was in the audience in reference to the matter with no response. She then asked the board if they had any questions and Mr. Williams stated that he didn't have any since it's been amended. No further questions were asked so Chairman Grant asked for a motion. **Mr. Vaughn motioned to approve a 4-foot side yard variance, Mr. Wells seconded and the motion passed unanimously.**

- Per the provisions of Sec 114-99, this variance shall expire if a building permit is not obtained within six (6) months from the date of the decision.

8. **SE-16-0395: Request for approval of a Special Exception for a Non-Qualifying Home Occupation for a Mobile Detailing business located at 2996 Headland Ave., A-C District, Willie L. Pennywell.** Mr. Pennywell of 2996 Headland Ave. addressed the board. Chairman Grant asked if he was going to go to the customer location and Mr. Pennywell, responded, yes that was correct. She asked if he was going to operate on his own and he responded, yes. She asked if he read, understood and could abide by the 20 stipulations and he responded, yes. She asked if anyone in the audience was present regarding this matter with no response. She asked the board if they had any questions and Mr. Williams asked where he stored his equipment. Mr. Pennywell responded that he had a carport in his backyard on an estimated 5-acre field. Mr. Black asked if the property owner was aware and he responded that the owner was his wife and she was fully aware and approves. Chairman Grant asked if there were any further questions with no response. **Mr. Black motioned to approve, Vice Chairman McNeal seconded, and the motion passed unanimously.**

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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 left over 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. 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-16-0397: Request for approval of a Special Exception for a Non-Qualifying Home Occupation for a Decorative Concrete company at 819 N. Cherry St., R-4 District, Cornelius Douglas.** Mr. Cornelius Douglas of 819 N. Cherry St. addressed the board. Chairman Grant asked him to explain his business and where he would be storing his material. He explained that he would work on-site doing decorative concrete. People would call him and he would go to their location. He does overlays on concrete with designs, patterns, and colors on interior or exterior items. He would be keeping all of his materials in his 12x24 shed. Chairman Grant asked if he read, understood and could abide by the 20 stipulations and he responded, yes. Chairman Grant asked if he had any questions and he responded, no. She then asked if anyone was in the audience referencing this matter and received no response. She asked the board if they had any questions with no response. She asked Staff if they had any questions and Mr. Breaux pointed out that stipulation #10 states, "No accessory building shall be used in conjunction with the business" and the board might want to clarify that. He said the intent was that no activity would be occurring in an accessory building. Simple storage was probably never the intent, however, it is written that way. Chairman Grant said that they could do a special exception and change #10 to say, "An accessory building can be used to store materials only". Mr. Breaux concurred. **Mr. Williams motioned to approve with the exception that #10 stipulation is changed to "An accessory building can be used to store materials only". Mr. Vaughn seconded and the motion passed unanimously.**

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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 except for the storage of equipment;
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 left over 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. 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.

10. SE-16-0400: Request for approval of a Special Exception for a Non-Qualifying Home Occupation for at Mobile Detailing business at 1209 Cannon Dr., R-1 District, Kenny E. Walker. Mr. Walker of 1209 Cannon Dr. addressed the board. Chairman Grant asked him to explain his business and where he would be storing his materials. He explained that he is going to be a mobile detailer so he would be going to customer locations to do his work. He has a van that he'll be storing all of his equipment in and it will be locked when not in use. Chairman Grant noticed that he was not the property owner but received a letter from them stating that they approved this. She asked if he read, understood and can abide by the 20 stipulations and he responded, yes. She asked if he had any questions which he responded, no. She then asked if anyone in the audience was here in reference to this matter with no response. She asked the board if they had any questions with no response. She then asked if there was a motion. ***Mr. Vaughn motioned for approval, Mr. Williams seconded and the motion was passed unanimously.***

1. The special exception is valid only for the applicant, this home occupation and this location;
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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;
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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;
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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. 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.

11. SE-16-0401: Request for approval of a Special Exception for U-Haul rental business located at 917 W. Main St., B-1 District, Jessie Story Jr. Mr. Story of 917 W. Main St. addressed the commission. He explained that he operates a cab company at this location and would like to start renting out U-Haul's as well. Chairman Grant asked if he read, understood and can abide by the 5 stipulations and he responded, yes. She asked if he had any questions and he responded, no. She asked if anyone in the audience wanted to address this matter with no response. She asked Staff if they had any questions and Mr. Breaux wanted to know how many rental vehicles were going to be at this location at any given time. Mr. Story answered, no more than 5. Presently, he has 2 cabs and would like to have 5 U-hauls. He explained that they 2 cabs are always mobile. Mr. Vaughn asked if there was a requirement from U-Haul to have a certain number of vehicles in storage and Mr. Story responded, no. He also wanted Mr. Story to verify that U-Haul was the company he was referring to and he said yes. Chairman Grant asked for a motion if there were no further questions. **Mr. Wells motioned for approval, Vice Chairman McNeal seconded, and the motion passed unanimously.**

1. The applicant obtains a City of Dothan Privilege License within 60 days of approval;
2. There shall be no vehicular display or parking within any portion of the public right-of-way;
3. All signage must comply with the provisions of Article XII of the Zoning Ordinance and any required permit(s) shall be obtained from the Building Permits and Inspections Office prior to any signage being erected or displayed;
4. Parking for customers and employees shall be provided per the requirements of Sec 114-182 of the Zoning Ordinance; and,
5. Violation of any of the aforementioned conditions could result in revocation of the approval.

General Discussion.

Mr. McDonald addressed the commission regarding upcoming CAPZO recertification program. He explained that there is an opportunity in Enterprise coming up. Chairman Grant wanted to know how much noticed he needed and they agreed to a deadline of October 14th at noon.

Meeting dates can be changed for January, July, and September of 2017 and will be finalized and presented at December's meeting.

Chairman Grant thanked everyone for attending.

12. Adjourn.

Chairman Grant asked for a motion to adjourn. Mr. Williams motioned to adjourn. Mr. Wells seconded, and the motion passed unanimously. The meeting was adjourned at 9:35 a.m.



Gina Grant, Chairman



Kim Vann, Secretary