



BOARD OF ZONING ADJUSTMENT AGENDA

A public hearing will be held by the Board of Zoning Adjustment of the City of Dothan, Alabama, on **Wednesday, December 7, 2016 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).

The Board of Zoning Adjustment will have a preliminary meeting to review the agenda with the Planning Staff on Tuesday, December 6, 2016 at 2:00 p.m., in **Meeting Room C, first floor of the Civic Center**. This meeting is also open to the public.

The following items will be reviewed at both meetings:

1. ***Approval of Agenda***
2. ***Approval of November 2, 2016 Meeting Minutes***
3. ***Disclosure of ex parte contact***

Old Business

4. **SE-16-0412:** Request approval of a Special Exception for a Non-Qualifying Home Occupation for a flooring and remodeling contractor business located at 1204 S. Edgewood Dr., R-1 District, Quinton Peterson.

New Business

5. **SE-16-0449:** Request approval of a Special Exception for a Non-Qualifying Home Occupation for a Lawn Care Business located at 109 Hampshire St., R-1 District, Michael Shiver.
6. **SE-16-0456:** Request approval of a Special Exception for a Non-Qualified Home Occupation for a Pressure Washing/Commercial Contractor business located at 3119 Balfour Dr., R-1 District, James M Holland.
7. **SE-16-0467:** Request approval of a Special Exception for a Non-Qualified Home Occupation for a mobile detailing business located at 2505 Scott Rd., R-2 District, Chris Robinson.

8. **SE-16-0472:** Request approval of a Special Exception for a Non-Qualified Home Occupation for a Lawn Care Business located at 414 Atlanta St., B-2 District, Kevin Barkley.
9. **SE-16-0473:** Request approval of a Special Exception for a mobile home located at 75 Butler Rd., R-1 District, Jayson Solomon.
10. **SE-16-0480:** Request approval of a Special Exception for a mobile home located at 442 N Beverly Rd., R-3 District, Darrel & Kelli Pylant.
11. **SE-16-0481:** Request approval of a Special Exception for a 616 square foot accessory dwelling located at 1936 Woodham Rd., A-C District, David Mock.
12. **SE-16-0483:** Request approval of a Special Exception for a keeping poultry as an accessory use, 105 Sawgrass Dr., R-1 District, Mary Dawna Jordan.
13. **SE-16-0485:** Request approval of a Special Exception for a Home Daycare located at 1464 W Selma St., R-1 District, Sophia Riggins.
14. ***Adjourn.***

Anyone interested in any item listed on this agenda is encouraged to contact the Planning and Development Office at (334) 615-4410 for further information.

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 2, 2016
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met in a Regular Meeting on **Wednesday, November 2, 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
Vanita Sansom - Supernumerary

MEMBERS ABSENT:

James Williams

OTHERS PRESENT:

Frank G. Breaux, AICP, Senior Planner; Craig Scurlock, Building Inspector; Mike Blissett, Supernumerary; 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 with the continuance of item #5, Case #SE-16-0239, to the December 7, 2016 meeting. Mr. Wells seconded, and the November 2, 2016 agenda was approved unanimously.

2. Approval of October 5, 2016 Meeting Minutes

Chairman Grant asked for a motion to approve the October 5, 2016 Meeting Minutes as written. Vice Chairman McNeal made a motion to approve, Mr. Black 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-16-0412: Request approval of a Special Exception for a Non-Qualifying Home Occupation for a flooring and remodeling contractor business located at 1204 S. Edgewood Dr., R-1 District, Quinton Peterson.** Per the motion given above, this item was continued to the December 7, 2016 meeting.

6. **SE-16-0427: Request approval of a Special Exception for a Non-Qualifying Home Occupation for a home daycare located at 1205 Sassar St., R-1 District, June Hairston.**

Ms. June Hairston addressed the board. Chairman Grant asked her to explain the request and added that if she was going to have a home daycare, she could have up to six children. Ms. Hairston stated that her intention was to do evening babysitting. She stated that she only wants to work part-time since she's retired. She also feels that there is a need in the community to have a safe place where parents could take their children on a Friday or Saturday evening from 7pm – 11pm. She would like to set up a den in her home with cots and cribs that are completely safe for ages 6 months to 3 years old. Chairman Grant stated that this was an excellent idea. She hadn't heard of anyone else doing that. Ms. Hairston said that there are some childcare organizations that work 24 hours but that is not what she is offering. Chairman Grant asked if she had read, understood and could abide by the 13 stipulations and Ms. Hairston affirmed. Chairman Grant asked for board member comments and Mr. Vaughn said that he felt that this was a noble idea and he certainly would like to congratulate her efforts. Ms. Hairston added that she's been approved by ABI and has completed the background check. Chairman Grant asked if anyone else had further comment or questions with no response and then requested a motion. ***Mr. Black made a motion to approve this request with the stipulations noted, Ms. Sansom seconded, and the motion passed unanimously.***

1. The Special Exception is contingent on approval of the facility by the Dothan City Fire Marshal before the home daycare is licensed by the Department of Human Resources;
2. The Special Exception is contingent on no person on the Alabama Department of Public Safety (DPS) list of Registered Sex Offenders living within the 2,000-foot radius of the home as established by Alabama State Code Section 15-20-26(a);
3. The applicant obtains a City of Dothan Privilege License within 60 days of approval and before the home daycare begins operation;
4. The Department of Human Resources licenses the home daycare;
5. The Special Exception is good only for the applicant and this location;
6. The Special Exception is subject to all necessary local and state regulations and policies;
7. The Special Exception is valid only as long as the applicant has valid City and State licenses or permits;
8. The Special Exception is invalid if the applicant's City or State licenses or permits are revoked/expire or if the applicant violates any State or local regulations or policies;
9. There is no on-street parking or queuing of traffic into the street right-of-way;
10. 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;
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 affidavit acknowledging the preceding conditions, and the affidavit is displayed with all other licenses and permits.

7. SE-16-0428: Request approval of a Special Exception for a Used Car Lot located at 522 S. Oates St., B-1 District, Kerry May.

Mr. May addressed the board. Chairman Grant asked him to explain what he'd be doing and how many cars would be on the lot. Mr. May explained that he's removed a trailer from that lot and will have 5-10 cars. Chairman Grant explained that he'll be required to go to the Planning Commission if approved for development plan approval. He affirmed. She asked if he had read, understood, and could abide by the 20 stipulations, he affirmed. She asked if anyone in the audience was there in reference to this matter with no response and continued then to ask the board if they had any questions. Chairman Grant asked if staff had any questions and Mr. Breaux explained that it would have to go to the Planning Commission because it was adjacent to residential property to the west. Chairman Grant asked if anyone had any further questions with no response, and then asked for a motion. ***Vice Chairman McNeal made a motion to approve, Mr. Vaughn seconded, and the motion passed unanimously.***

1. The proposed use will require Major Development Plan approval by the Planning Commission;
2. Development Plan approval must be obtained within 120 days or the approval of the Board is void;
3. Development plan approval is required before any land alteration activities commence and before construction permits are issued by the Building Permits and Inspections Office;
4. There shall be no vehicular display or parking within any portion of the public right-of-way or within any required landscaping buffers;
5. 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;
6. Parking for customers and employees shall be provided per the requirements of Sec 114-182 of the Zoning Ordinance; and,
7. Violation of any of the aforementioned conditions could result in revocation of the approval.

8. SE-16-0440: Request approval of a Special Exception for a Non-Qualifying Home Occupation for a Home Daycare located at 111 Constitution Drive, R-2 District, Sylvia McCall. Chairman Grant asked if there was anyone in the audience in reference to this matter. Ms. McCall was not present but a neighbor, Ms. Bertha Smith of 108 Constitution Drive, came forward and addressed the board. She explained that she has been a witness to children being dropped off at this location and that traffic had increased. She's been trying to get in touch with Ms. Chambers who she believes to be the homeowner. She explained that she has been a foster parent and she knew that the neighbors would have to agree to the establishment of a daycare or a foster care business. She explained that she recognized one of the parents dropping off a child at this location. Mr. Breaux

explained that there are two registered sex offenders living within 2000 feet of the home and that state law generally prohibits daycare uses within that proximity. He stated that the applicant did not presently have a City license or approval to operate a daycare at that location. He also stated that the Revenue Officer had already been to the residence with a code enforcement officer after receiving a complaint. Chairman Grant requested that staff contact the State and explain the situation at this location. ***Chairman Grant asked for a motion with no response. Because of lack of motion, the application was denied.***

9. SE-16-0441: Request approval of a Special Exception for a Non-Qualifying Home Occupation for a Lawn Care Business at 200 Melissa St., A-C District, Holly Woodham.

Mr. Mark Woodham of 200 Melissa Street addressed the board. Chairman Grant asked if this was going to be part-time or full-time, if he and his wife were going to do this together, and if he was going to have employees. He responded that he and his wife would be starting this business together, that there were no employees and that it would initially be part time. Chairman Grant asked if he had read, understood, and could abide by the 20 stipulations. He said that he had not. Chairman Grant explained to him that employees are prohibited from parking their vehicles at the home and that if he did hire employees in the future, that they would need to meet at some other location. She asked where he was going to store his equipment and he responded that the equipment will be stored at another location outside the city limits. Chairman Grant asked if anyone had any questions and she allowed the applicant to read all of the stipulations. She then asked if he could abide by the stipulations and he affirmed. She asked him if he had any questions which he responded no. She asked the board and the staff if they had any questions with no response. She then asked for a motion. ***Mr. Lisenby made a motion to approve, Ms. Sansom seconded, and the motion 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. Lawn Care 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. Discussion Item: Map error located at 1037 E Cottonwood Road currently showing R-4 District to be corrected to B-3 District.** Mr. Breaux handed out a map showing the location in question. He explained that the staff had discovered a discrepancy between the current map and the 1977 zoning map. He then asked for the concurrence of the board and permission to make the corrections. Chairman Grant asked for a motion to make this correction and to allow the staff to make other corrections in that vicinity. ***Mr. Vaughn made a motion to authorize staff to make all required changes. Mr. Wells seconded, and the motion passed unanimously.***

Discussion Item: The 2017 Calendar Dates. Chairman Grant asked the board to note the new meeting dates for the year 2017 and to please note them on their calendars. The January, July, and September meeting dates have been moved due to holiday conflicts. She asked for a motion. ***Mr. Black made a motion to approve the 2017 Calendar, Mr. Vaughn seconded, and the motion passed unanimously.***

11. Adjourn.

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

Gina Grant, Chairman

Kim Vann, Secretary



BOARD OF ZONING ADJUSTMENT

November 2, 2016 Meeting

CASE NUMBER: SE-16-0412

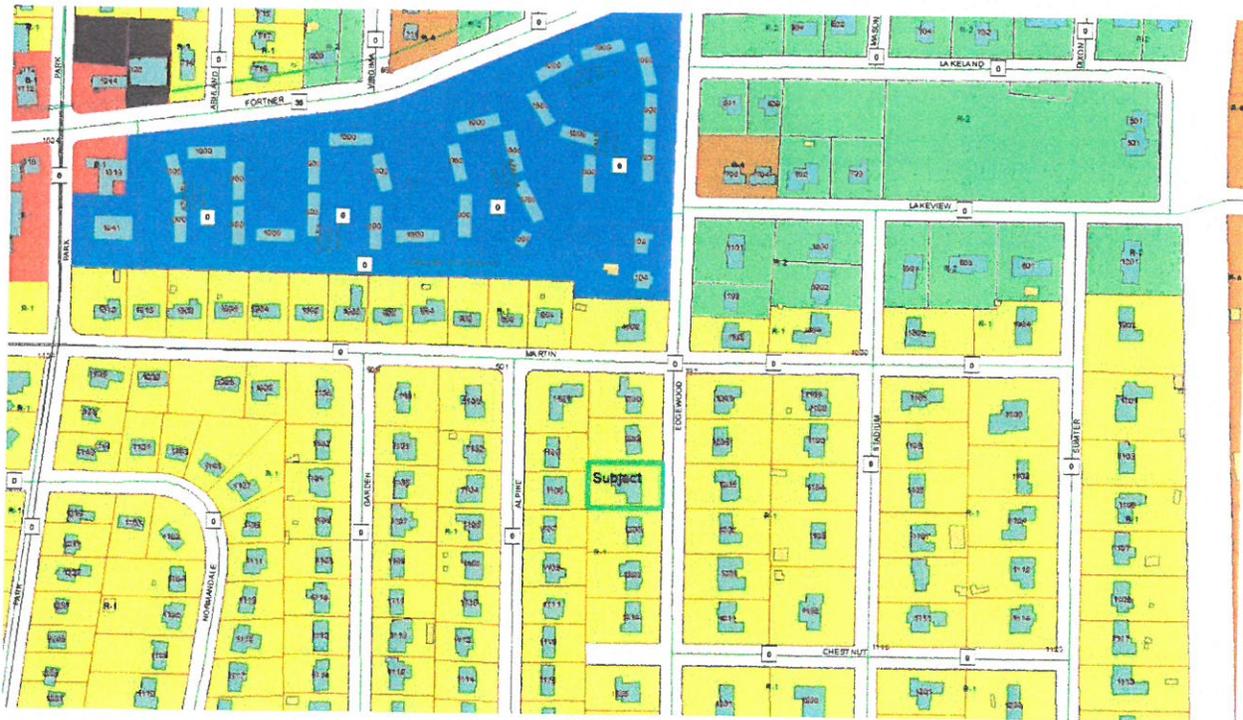
Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Flooring & Remodeling Business
Property Address:	1204 South Edgewood Drive
Requested Action:	Special Exception
Applicant:	Quinton Peterson

Zoning/Land Use:

ZONING DISTRICT: R-1/Low Density Single-Family



VICINITY MAP



AERIAL

The applicant is requesting approval of a special exception for a non-qualifying home occupation for a Flooring and Remodeling Business located at 1204 South Edgewood Drive.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception for a non-qualifying home occupation to operate a Tile Contractor Business at 1204 South Edgewood Drive on September 26, 2016.
- b. The applicant is the property owner.
- c. All adjoining properties are zoned R-1 (Low Density Single-Family).
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. The Long Range Development Plan recognizes the importance of all land uses in the City and promotes their integration into the community where appropriate given certain conditions.
- f. Non-qualifying home occupations are permitted in all residential zoning districts with special exception approval and conditions established by the BZA as authorized by Article VI, Sec 114-101.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Quinton Peterson to operate a Flooring and Remodeling Business at 1204 South Edgewood Drive with the following conditions:

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.



BOARD OF ZONING ADJUSTMENT

December 7, 2016 Meeting

CASE NUMBER: SE-16-0449

Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Lawn Care Business
Property Address:	109 Hampshire Street
Requested Action:	Special Exception
Applicant:	Michael Shiver

Zoning/Land Use:

ZONING DISTRICT: R-1/Low Density Single-Family Residential



VICINITY MAP



AERIAL

The applicant is requesting approval of a special exception for a non-qualifying home occupation for a Lawn Care business located at 109 Hampshire Street.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception for a non-qualifying home occupation to operate a Lawn Care business located at 109 Hampshire Street on October 25, 2016.
- b. The applicant is the property owner.
- c. All adjoining properties are zoned R-1.
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. The Long Range Development Plan recognizes the importance of all land uses in the City and promotes their integration into the community where appropriate given certain conditions.
- f. Non-qualifying home occupations are permitted in all residential zoning districts with special exception approval and conditions established by the BZA as authorized by Article VI, Sec 114-101.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Michael Shiver to operate a non-qualifying home occupation for a Lawn Care business located at 109 Hampshire Street with the following conditions:

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. Lawn Care 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.



BOARD OF ZONING ADJUSTMENT

December 7, 2016 Meeting

CASE NUMBER: SE-16-0456

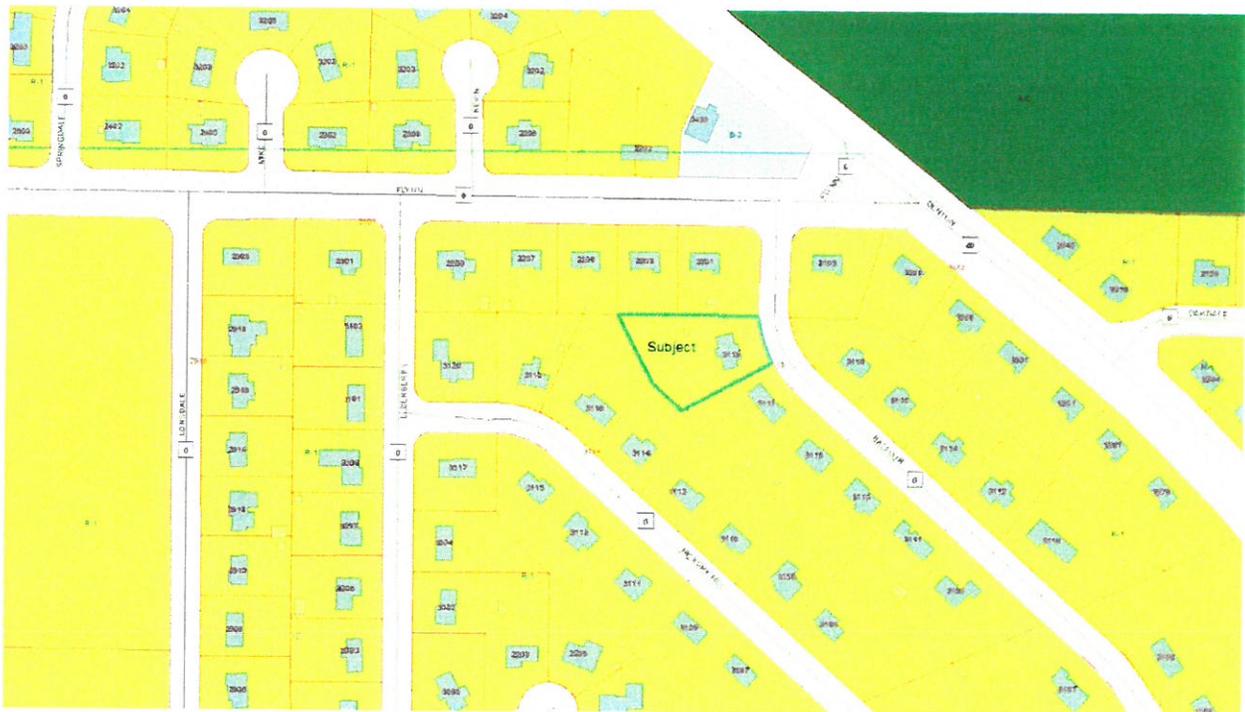
Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Power Washing/Commercial Contractor Business
Property Address:	3119 Balfour Drive
Requested Action:	Special Exception
Applicant:	James M. Holland

Zoning/Land Use:

ZONING DISTRICT: R-1/Low Density Single-Family



VICINITY MAP



AERIAL

The applicant is requesting approval of a special exception for a non-qualifying home occupation for a Power Washing/Commercial Contractor Business located at 3119 Balfour Drive.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception for a non-qualifying home occupation to operate a Power Washing/Commercial Contractor Business at 3119 Balfour Drive on November 4, 2016.
- b. The applicant is the property owner.
- c. All adjoining properties are zoned R-1(Low Density Single-Family).
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. The Long Range Development Plan recognizes the importance of all land uses in the City and promotes their integration into the community where appropriate given certain conditions.
- f. Non-qualifying home occupations are permitted in all residential zoning districts with special exception approval and conditions established by the BZA as authorized by Article VI, Sec 114-101.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize James M. Holland to operate a Power Washing/Commercial Contractor Business at 3119 Balfour Drive Circle with the following conditions:

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.



BOARD OF ZONING ADJUSTMENT

December 7, 2016 Meeting

CASE NUMBER: SE-16-0467

Case Manager: Frank G. Breaux, AICP

Summary of Information:

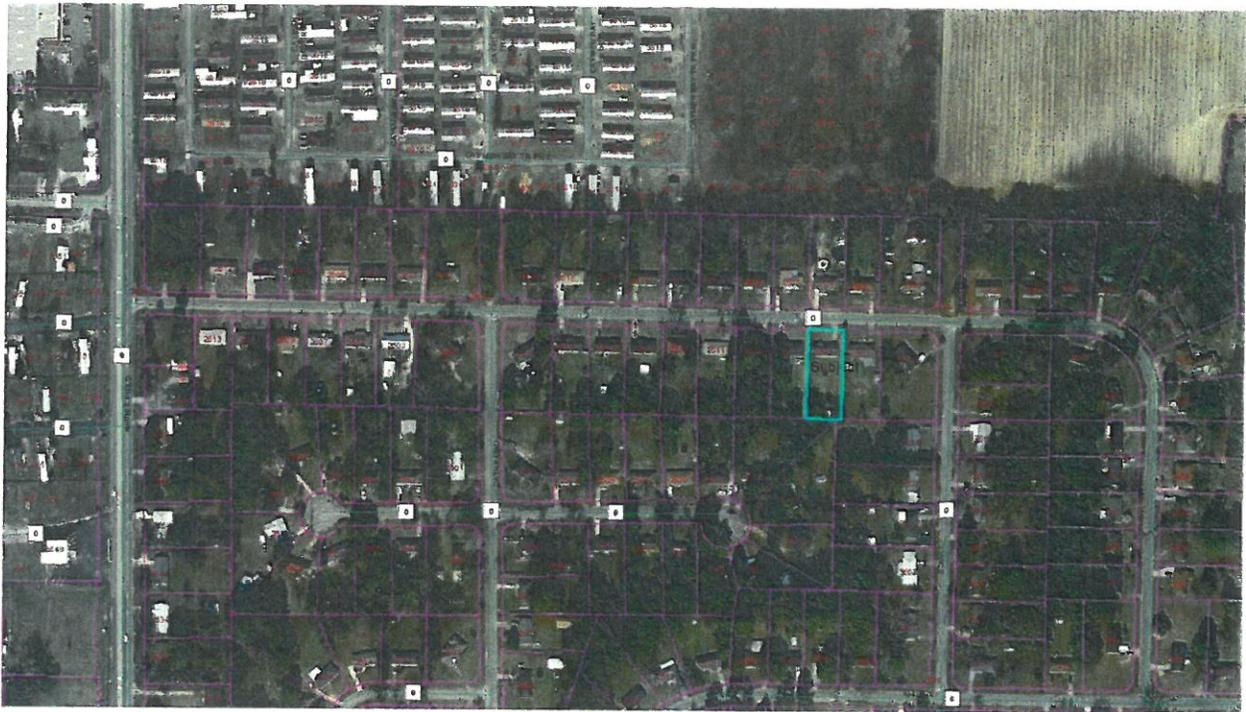
Project Name: Mobile Detail Business
Property Address: 2505 Scott Road
Requested Action: Special Exception
Applicant: Chris Robinson

Zoning/Land Use:

ZONING DISTRICT: R-2/Medium Density Single-Family



VICINITY MAP



AERIAL

The applicant is requesting approval of a special exception for a non-qualifying home occupation for a Mobile Detail business located at 2505 Scott Road.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception for a non-qualifying home occupation to operate a Mobile Detail Business at 2505 Scott Road on November 7, 2016.
- b. The applicant is **not** the property owner (letter on file from owner).
- c. All adjoining properties are zoned R-2.
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. The Long Range Development Plan recognizes the importance of all land uses in the City and promotes their integration into the community where appropriate given certain conditions.
- f. Non-qualifying home occupations are permitted in all residential zoning districts with special exception approval and conditions established by the BZA as authorized by Article VI, Sec 114-101.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Chris Robinson to operate a Mobile Detail Business at 2505 Scott Road with the following conditions:

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.



BOARD OF ZONING ADJUSTMENT

December 7, 2016 Meeting

CASE NUMBER: SE-16-0472

Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Lawn Care Business
Property Address:	414 Atlanta Street
Requested Action:	Special Exception
Applicant:	Kevin Barkley

Zoning/Land Use:

ZONING DISTRICT: B-2/Highway Commercial



VICINITY MAP



AERIAL

The applicant is requesting approval of a special exception for a non-qualifying home occupation for a Lawn Care business located at 414 Atlanta Street.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception for a non-qualifying home occupation to operate a Lawn Care business located at 414 Atlanta Street on November 14, 2016.
- b. The applicant is the property owner.
- c. All adjoining properties are zoned B-2.
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. The Long Range Development Plan recognizes the importance of all land uses in the City and promotes their integration into the community where appropriate given certain conditions.
- f. Non-qualifying home occupations are permitted in all residential zoning districts with special exception approval and conditions established by the BZA as authorized by Article VI, Sec 114-101.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Kevin Barkley to operate a non-qualifying home occupation for a Lawn Care business located at 414 Atlanta Street with the following conditions:

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. Lawn Care 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.



BOARD OF ZONING ADJUSTMENT

December 7, 2016 Meeting

CASE NUMBER: SE-16-0473

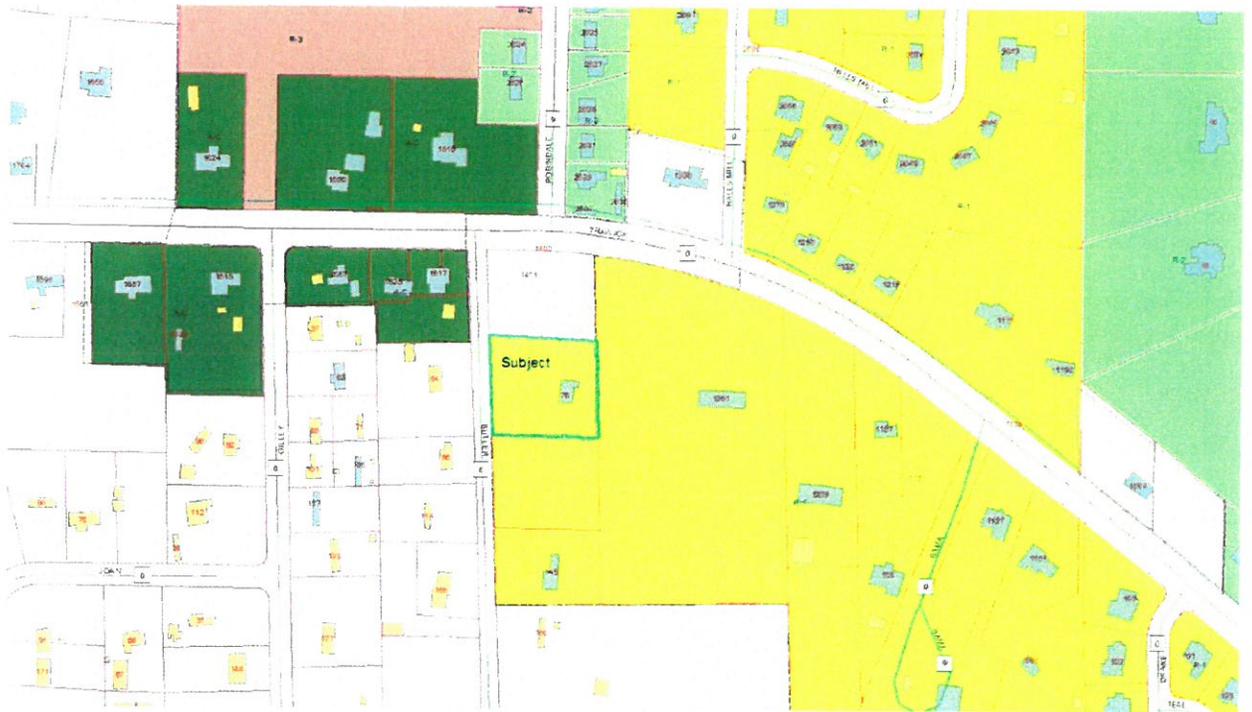
Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Manufactured Home – Lifetime Use
Property Location:	75 Butler Road
Requested Action:	Special Exception
Applicant/Owner:	Jayson Solomon

Zoning/Land Use:

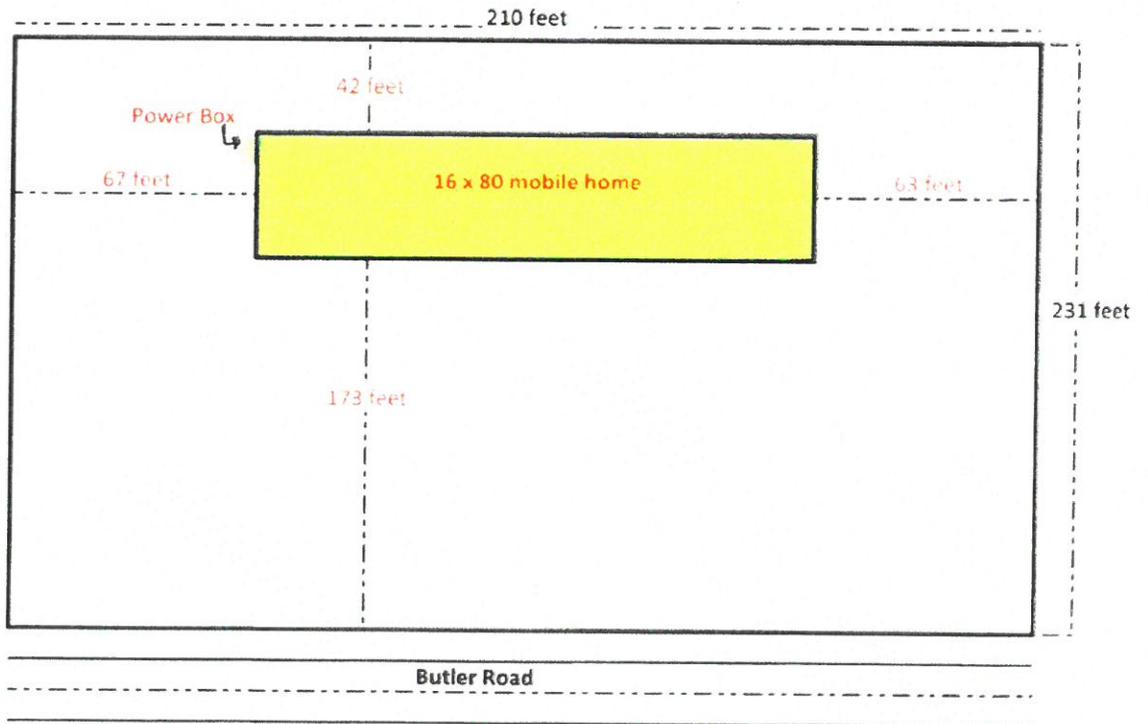
ZONING DISTRICT: R-1 (Low Density Single-Family Residential)



Vicinity



Aerial



Plot Plan

The applicant is requesting approval of a special exception to place a 16x80 foot manufactured home for lifetime use on a 1 acre parcel located on the east side of Butler Road approximately 200 feet to the south of its intersection with Trawick Road.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception to allow a manufactured home for lifetime use on November 14, 2016.
- b. The applicant **is** the property owner.
- c. The surrounding properties are zoned R-1 and A-C (Agricultural Conservation). All others are located in unincorporated Houston county.
- d. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
- e. As of the date of this report, staff had not received any calls from any of the adjoining property owners.
- f. The uses within the general vicinity of the subject are a combination of agricultural and residential.
- g. There are a number of manufactured homes within the general vicinity of the subject lot.
- h. The manufactured home is a replacement for a similar home that was recently removed from the property.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Jayson Solomon to place a 16' x 80' manufactured home, for lifetime use, on a 1 acre parcel located at 75 Butler Road with the following conditions:

1. The Special Exception is valid only for the applicant and this location;
2. The Special Exception is valid only as long as the applicant lives in the manufactured home;
3. The manufactured home will not be rented to another occupant at this location;
4. If the manufactured home is not placed on the property within six (6) months, the Special Exception will expire;
5. The manufactured home is placed on the property in compliance with the R-1 zoning district regulations;
6. The applicant obtains a manufactured home set-up permit from the Building Official's Office before the manufactured home is placed on the property;
7. The manufactured home is placed on a permanent foundation or the undercarriage is screened; or,
8. The manufactured home is bricked or blocked up to resemble a conventional home;
9. The water and sewer provisions are acceptable to the Health Department; and
10. Construction, manufacture and tie-downs comply with the applicable provisions of the National Manufactured Housing Construction and Safety Standards ("HUD Code") or the 2006 International Building Code if the manufactured home does not contain a National Manufactured Housing Construction and Safety Standards seal of approval.



BOARD OF ZONING ADJUSTMENT

December 7, 2016 Meeting

CASE NUMBER: SE-16-0480

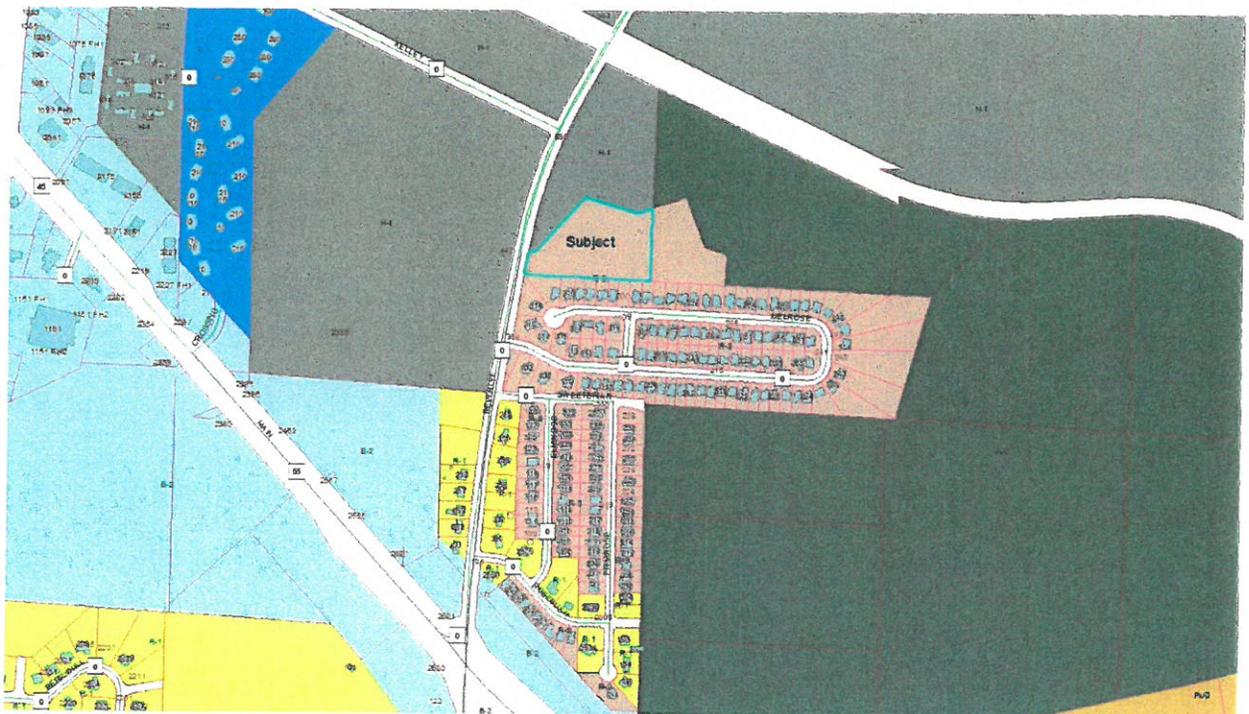
Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Manufactured Home
Property Location:	442 North Beverlye Road
Requested Action:	Special Exception
Applicant/Owner:	Darrell & Kelli Pylant

Zoning/Land Use:

ZONING DISTRICT: R-3 (High Density Single-Family Residential)



Vicinity



Aerial



Plot Plan

The applicant is requesting approval of a special exception to place a 16x80 foot manufactured home on a 5.35 acre parcel located on the east side of North Beverlye Road just north of and adjacent to Richmond Park Subdivision.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception to allow a manufactured home for lifetime use on November 17, 2016.
- b. The applicant is the property owner.
- c. The surrounding properties are zoned R-3 and H-I (Heavy Industrial).
- d. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
- e. As of the date of this report, staff had not received any calls from any of the adjoining property owners.
- f. The uses within the general vicinity of the subject are generally residential and undeveloped land.
- g. According to the applicants, the mobile home is only expected to remain on the property for 1 – 3 years until a permanent residence is constructed. The applicants also own the 3.23 acre parcel to the east.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Darrell and Kelli Pylant to place a 16x80 foot manufactured home on a 5.35 acre parcel located at 442 North Beverlye Road with the following conditions:

1. The Special Exception is valid only for the applicant and this location;
2. The Special Exception is valid only as long as the applicant lives in the manufactured home;
3. The manufactured home will not be rented to another occupant at this location;
4. If the manufactured home is not placed on the property within six (6) months, the Special Exception will expire;
5. The manufactured home is placed on the property in compliance with the R-3 zoning district regulations;
6. The applicant obtains a manufactured home set-up permit from the Building Official's Office before the manufactured home is placed on the property;
7. The manufactured home is placed on a permanent foundation or the undercarriage is screened; or,
8. The manufactured home is bricked or blocked up to resemble a conventional home;
9. The water and sewer provisions are acceptable to the Health Department; and
10. Construction, manufacture and tie-downs comply with the applicable provisions of the National Manufactured Housing Construction and Safety Standards ("HUD Code") or the 2006 International Building Code if the manufactured home does not contain a National Manufactured Housing Construction and Safety Standards seal of approval.



BOARD OF ZONING ADJUSTMENT

December 7, 2014 Meeting

CASE NUMBER: SE-16-0481

Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Accessory Dwelling Unit
Property Address:	1936 Woodham Road
Requested Action:	Special Exception
Applicant:	David L. Mock

Zoning/Land Use:

ZONING DISTRICT: A-C/Agricultural Conservation



VICINITY MAP



AERIAL

The applicant is requesting approval to place a 14x44 (616 square foot), single-story accessory dwelling unit behind the principal residence located at 1418 Woodham Road.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception to locate a 616 square foot accessory dwelling unit on November 17, 2016.
- b. The applicant is the property owner.
- c. Adjoining properties are zoned A-C.
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. The Long Range Development Plan recognizes the importance of all land uses in the City and promotes their integration into the community where appropriate given certain conditions.
- f. The applicant states that the accessory dwelling will be occupied by his elderly father.
- g. The property is located in a rural area, on the north side of the city, between Geiger Road and Hicks Road.

The proposed structure complies with the area and dimensional requirements of the A-C District and also complies with the requirements of Section 114-183.B.5. of the Zoning Ordinance (see attached sketch plan). Section 114-183.B.5. of the Zoning Ordinance states:

a. Purpose. The purpose of this section is to provide for inexpensive housing units to meet the needs of families, making housing available to family members who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.

b. Standards. Accessory apartments may be allowed in single-family residential areas provided that all of the following requirements shall be met:

- 1. Any accessory apartment must be located on the same lot, tract and/or development parcel as the primary residential building and must be clearly subordinate, incidental and in connection with the primary building and/or land use.*
- 2. No more than one accessory apartment shall be permitted on any residential lot.*
- 3. An accessory apartment shall not exceed 800 square feet.*
- 4. The accessory apartment shall be located and designed not to interfere with the appearance of the principal building as a single-family dwelling unit.*
- 5. The accessory apartment shall not be available for commercial short-term or long-term rental to any person who is not a family member of the owner of the property.*
- 6. Any one-story accessory apartment shall be set back a minimum of ten feet from any property line and ten feet from any existing buildings. Any two-story accessory apartment shall be required to meet the minimum setbacks of the district in which it is located.*
- 7. One parking space shall be provided for the accessory apartment, and must be located on the same lot on which the accessory apartment is located.*
- 8. A manufactured home may not be used as an accessory apartment.*
- 9. Recreational vehicles and travel trailers shall not be used as accessory apartments. However, they may be used for temporary living quarters in times of danger or emergency.*
- 10. No existing building and/or structure may be converted to an accessory apartment unless it complies with all other minimum district dimensional regulations.*
- 11. No variations, adjustments, or waivers to the requirements of this code shall be allowed in order to accommodate an accessory apartment.*

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize David L. Mock to locate an accessory dwelling unit, for exclusive use by family members, at 1436 Woodham Road with the following conditions:

1. The single-story accessory dwelling shall not exceed 800 square feet and shall be located as generally represented on the plot plan submitted to the Board for consideration;

2. The single-story accessory dwelling shall be designed not to interfere with the appearance of the principal building as a single-family dwelling unit;
3. The accessory dwelling shall not be available for commercial short-term or long-term rental to any person who is not a family member of the owner of the property;
4. The single-story accessory dwelling shall be set back a minimum of ten feet from any property line and ten feet from any existing buildings;
5. One parking space shall be provided for the accessory apartment, and must be located on the same lot on which the accessory apartment is located;
6. A building permit shall be obtained within six (6) months and the structure shall comply with all applicable building code requirements;
7. Applicant is responsible for observing any private covenants which may impact the proposed use;
8. 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,
9. Violation of any of the aforementioned conditions could result in revocation of the approval.



BOARD OF ZONING ADJUSTMENT

December 7, 2016, MEETING

STAFF REPORT

CASE NUMBER: SE-16-0483

CASE MANAGER: Frank G. Breaux, AICP

Summary of Information:

Project Name: Poultry On The Premises As An Accessory Use
Property Address: 105 Sawgrass Drive
Zoning: R-1/Low Density Single-Family Residential
Requested Action: Special Exception
Applicant/Property Owner:: Mary Dawna Jordan



VICINITY MAP

SE-16-0483 105 Sawgrass Dr., Poultry



AERIAL VIEW

The applicant is requesting approval of a special exception to keep poultry (two hens) on the premises as an accessory use at 105 Sawgrass Drive which is located in an R-1 zoning district.

Staff has reviewed the request and reports the following findings of fact:

- a. An application was made for a special exception to have poultry on the premises as an accessory use at 105 Sawgrass Drive on November 21, 2016.
- b. The applicant is the property owner.
- c. The adjacent properties are zoned R-1 and B-2.
- d. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
- e. As of the date of this report, staff had not received any calls from any of the adjoining property owners.
- f. Having poultry on the premises of a residentially zoned property is a use on appeal to the Board in Section 114-131.1 of the Table of Permitted Uses in the Zoning Ordinance.

SE-16-0483 105 Sawgrass Dr., Poultry

- g. The applicant states in the application that the request is “...to keep 2 hens”.
- h. The provisions of Chapter 10 of the City’s Code of Ordinances concerning LIVESTOCK, RABBITS, and FOWL apply and require that the chickens be confined to a coop.

Based on all findings associated with this request, staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Mary Dawna Jordan to keep poultry as an accessory use at 208 Lighthouse Drive and that the following conditions be attached:

1. The Special Exception is valid only for this applicant and this location;
2. The number of poultry is limited to not more than six hens and no roosters;
3. 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.
4. 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,
5. That all other provisions of said Chapter 10 shall be adhered to.



BOARD OF ZONING ADJUSTMENT

December 7, 2016, Meeting
CASE NUMBER: SE-16-0485

Case Manager: Frank G. Breaux, AICP

Summary of Information:

Project Name:	Home Daycare
Property Address:	1464 W Selma Street
Requested Action:	Special Exception
Applicant/Property Owner	Sophia Riggins

Zoning/Land Use:

ZONING DISTRICT: R-1/Low Density Single-Family



VICINITY MAP



AERIAL VIEW

The applicant is requesting approval of a special exception for a home daycare located at 1464 W Selma Street.

Staff has reviewed the request and reports the following findings of fact:

- a. Application was made for a special exception for a home daycare at 1464 W Selma Street on November 22, 2016.
- b. The applicant **is not** the property owner and will be required to have authorization from the property owner.
- c. The adjoining properties are zoned R-1.
- d. Written notice of the application was provided by first class mail to all adjoining property owners and by publication in the Dothan Eagle as required by law.
- e. Home daycare uses are permitted with special exception approval and conditions established by the BZA as authorized by Article VI, Sec 114-98.
- f. Home Daycare uses are limited to not more than six (6) children.

Based upon all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for a special exception to authorize Sophia Riggins to operate a home daycare at 1464 W Selma Street with the following conditions:

1. The Special Exception is contingent on approval of the facility by the Dothan City Fire Marshal before the home daycare is licensed by the Department of Human Resources;
2. The Special Exception is contingent on no person on the Alabama Department of Public Safety (DPS) list of Registered Sex Offenders living within the 2,000-foot radius of the home as established by Alabama State Code Section 15-20-26(a);
3. The applicant obtains a City of Dothan Privilege License within 60 days of approval and before the home daycare begins operation;
4. The Department of Human Resources licenses the home daycare;
5. The Special Exception is good only for the applicant and this location;
6. The Special Exception is subject to all necessary local and state regulations and policies;
7. The Special Exception is valid only as long as the applicant has valid City and State licenses or permits;
8. The Special Exception is invalid if the applicant's City or State licenses or permits are revoked/expire or if the applicant violates any State or local regulations or policies;
9. There is no on-street parking or queuing of traffic into the street right-of-way;
10. 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;
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 affidavit acknowledging the preceding conditions, and the affidavit is displayed with all other licenses and permits.