



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, August 4, 2021 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) following an **8:30 a.m. preliminary meeting** which is open to the public.

The following items will be reviewed at both meetings:

1. **Invocation**
2. **Pledge of Allegiance**
3. **Roll Call: Chair Gina Grant___, Vice-Chair Angela McNeal___, Tillman Black___, Michael Smith___, Lori Wilcoxon___, Stuart Lee___, Parrish Smith___, Morris Stringer (SUP)___**
4. **Approval of Agenda**
5. **Approval of July 7, 2021 Meeting Minutes**
6. **Disclosure of ex parte contact**
7. **Oath**

Old Business

8. **SE-21-0188: Special Exception request for a Home Occupation to operate a Commercial Kitchen – Property located at 106 Kirk Ln. – R-1 District - Haley Egbert.**

New Business

9. **SE-21-0215: Special Exception request to place a Manufactured Home – Property located on Bruner Road – Parcel ID# (381702044000004006) – District A-C – Rubie Lynette Bradley**
10. **SE-21-0230: Special Exception request to expand existing Convenience Store with 2 new fuel dispensers – Property located at 3731 South Park Avenue – District B-3 - Home Oil Company Inc.**

11. SE-21-0232: Special Exception request to operate a Bed and Breakfast (Short Term Rental) – Property located at 1914 Clark Street - District R-1 - Jerry & Elena Wilson.

12. Discussion

13. 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
MEETING MINUTES
JULY 7, 2021
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met in a Regular Meeting on **Wednesday, July 7, 2021, at 9:00 a.m.**, in the City Commission Chambers, 126 North St. Andrews Street, Room 203, of the Roy L. Driggers Municipal Building (Civic Center).

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

1. **Invocation:** Tillman Black
2. **Pledge of Allegiance:** Tillman Black led everyone in the Pledge.
3. **Members Present:** Chair, Gina Grant, Vice-Chair Angela McNeal, Tillman Black, Lori Wilcoxon, Stuart Lee, and Morris Stringer (SUP) sitting.
Members Absent: Michael Smith (note that he arrived late and sat in the audience)

Others Present:

Todd McDonald, AICP, Planning & Development Director; Frank Breaux, AICP, Principal Planner; Yvette Thomas, Sr. Planner; Reginald Franklin, Transportation Planner; and, Kim Vann, Planning Assistant.

4. **Approval of the Agenda**
Chair Grant stated that she would like to move case #8 to the end and Ms. Thomas agreed. **Vice-Chair McNeal made a motion to approve the amended agenda, Ms. Wilcoxon seconded, and the motion carried.**
5. **Approval of the June 23, 2021 Special Called Meeting Minutes**
Chair Grant asked for a motion on the meeting minutes as written. **Mr. Stringer made a motion to approve, Mr. Black seconded, and the motion carried.**
6. **Disclosure of ex parte contact** – None
7. **Oath** – Ms. Thomas read the oath and the audience swore in affirmation.

Old Business

None.

New Business

8. **V-21-0207: Request for a 6.47-foot variance to the required 20-foot side yard setback for a building addition – Property located at 444 Southgate Road – District L-I – Jeff Tabor.** Chair Grant noted that there wasn't a representative for this case present and then stated that this project was approved on July 1, 2020 and asked if the Planning staff had any further comments. Mr. Breaux stated that there weren't any material changes from the original request. Chair Grant asked if anyone had any questions with no response. Chair Grant then asked for a motion. ***Mr. Stringer made a motion to approve, Mr. Black seconded, and the motion carried.***

9. **V-21-0208: Request for a 21-foot variance to the required 30-foot street side yard setback for a carport – Property located at 500 Chandler Street – District R-1 - Tracy Rudder.** Ms. Kristy Kirkland, an attorney representing Tracy Rudder, addressed the board and explained that Ms. Rudder would like to build a carport over her driveway for shelter from the rain and heat. Chair Grant discussed the approval criteria for a variance and how it was connected to the land rather than the house. Mr. Breaux explained that there wasn't a unique situation to the land that would warrant a hardship to this property. Ms. Kirkland explained that she was focusing on the flooding that the Cloverdale area received. Ms. Kirkland stated that Ms. Rudder would have to change the structure of her home to accommodate the heavy rain. Chair Grant asked what the size of the carport was. Ms. Kirkland responded that it was 28-feet, which was the length of the house. Mr. Lee asked if this was for the front or rear of the home; Ms. Kirkland stated it was the rear. Ms. Wilcoxon asked if Ms. Rudder investigated putting gutters on to deter the water runoff of the roof; Ms. Rudder responded that she had not. Ms. Kirkland responded that the shutters wouldn't be enough to deter the rain off the roof with heavy downpours. Ms. Kirkland stated that people buying these homes are not aware of these restrictions. Ms. Wilcoxon asked if there were any other options. Mr. Breaux did not have an answer on the structural issue of the home but discussed rezoning the area to relax the setback requirements which would help with individual property requests. Chair Grant requested the area be reviewed for City Initiative rezoning. Chair Grant asked if anyone had any questions or comments with no response. Chair Grant then asked for a motion, twice, with no response. ***With no motion, the request was denied.***

10. **SE-21-0211: Request for a Special Exception for a parking lot – Property located at 481 S. Saint Andrews Street – District O-2 –Farrest J. Taylor.** Mr. Farrest Taylor, 509 S. Saint Andrews Street, addressed the board. Mr. Taylor explained the area where he proposed the parking lot. Chair Grant asked Mr. Taylor if he had read and could abide by the five stipulations; Mr. Taylor affirmed. Chair Grant asked if there was anyone present regarding this case with no response. Chair Grant asked if the board has any questions with no response. Chair Grant asked if the Planning staff had any questions or

comments, to which Mr. Breaux stated that he applauded Mr. Taylor's efforts for improving this area. Chair Grant asked if Mr. Taylor had any questions; Mr. Taylor did not. Chair Grant then asked for a motion. ***Vice-Chair McNeal made a motion to approve, Mr. Lee seconded, and the motion carried.***

1. The special exception is valid only for the applicant and this location;
2. The applicant shall submit a development plan;
3. The applicant shall obtain all necessary approvals for building permits that may be required for any proposed changes to the site;
4. If a building permit is not obtained for this property within six (6) months, the Special Exception will expire; and,
5. Violation of any of the aforementioned conditions could result in revocation of the approval.

11. Discussion:

a. Chair Grant - Pre-Meetings; advanced notice and time.

- Staff to send a notice out the Monday before if there will be a pre-meeting. Members should arrive at 8:45 a.m. in case an item would arise.

b. Mr. McDonald - CAPZO Training

- Chair Grant's will be in August. Mr. Lee and Mr. Springer need courses.
- Zoom class notification will be sent out.

c. Ms. Thomas – Short Term Rentals; Taxes and Licensing

- Ms. Thomas was investigating and speaking with other locations to find out what they have initiated in their cities.

d. Mr. Breaux – 800 Square Foot Accessory Dwelling Units (ADU) on Single-Family lots and Subdivisions.

- Mr. Lee asked if there could be a percentage of the main structure. Mr. Breaux stated that it was something they could eventually investigate but the present ordinance was clear on the 800 square feet for an ADU.

12. Adjourn.

Ms. Wilcoxon made a motion to adjourn, Mr. Lee seconded, and the motion carried.

The meeting adjourned at 9:55 a.m. The next meeting is on August 4, 2021.

Chair Gina Grant

Theresa Eddy, Secretary



BOARD OF ZONING ADJUSTMENT

June 2, 2021 Meeting

CASE NUMBER: SE-21-0188

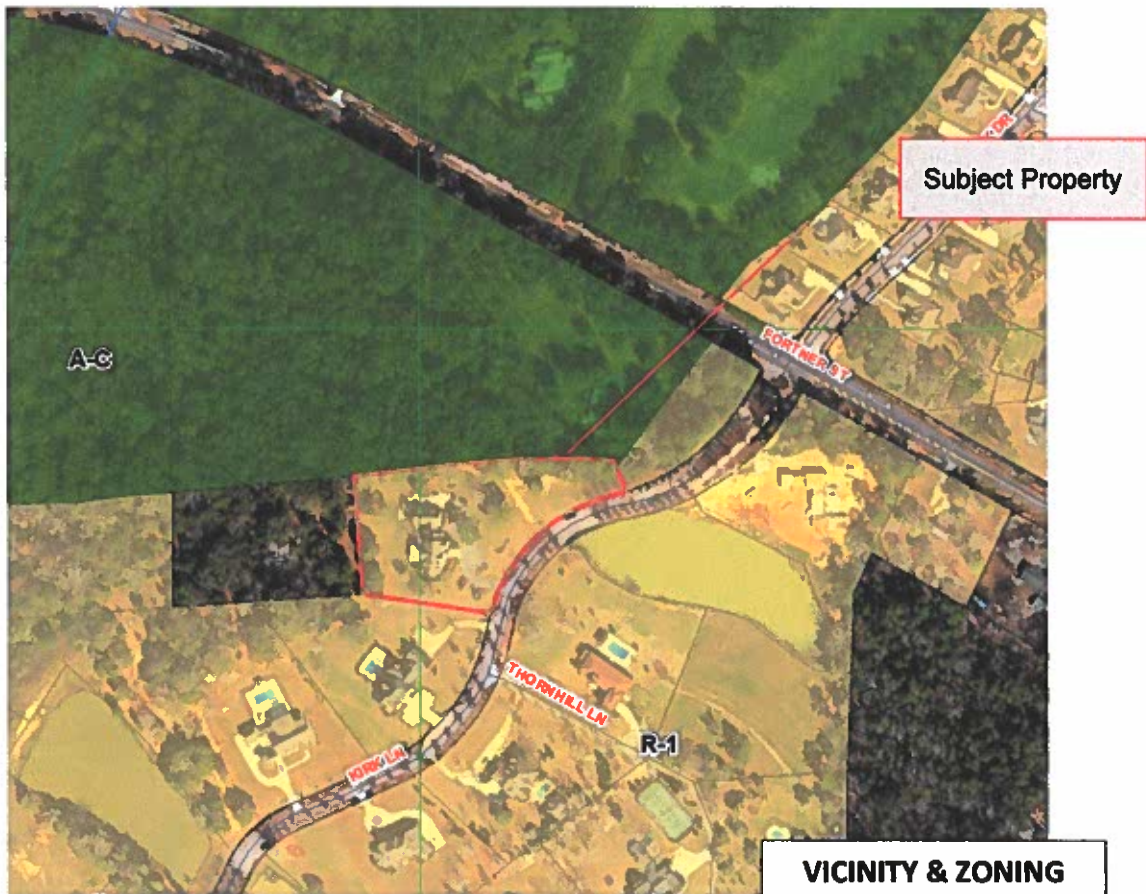
Case Manager: Yvette Thomas, Sr. Planner

Summary of Information:

Project Name:	Special Exception – Commercial Kitchen
Property Address:	106 Kirk Lane
Requested Action:	Special Exception to operate a commercial kitchen in R-1 District
Applicant / Representative:	Haley Egbert (applicant/owner)

Zoning/Land Use:

ZONING DISTRICT:	R-1: Residential Single-Family, Low Density
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The subject property is located within the Highland Lakes Subdivision and the applicant is requesting a special exception for a home occupation to operate a commercial kitchen at 106 Kirk Lane.

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

1. The applicant is the property owner.
2. The surrounding properties have a base zoning of R-1 and A-C.
3. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
4. The uses within the general vicinity of the subject property are residential.
5. The applicant states:

I am applying for a special exception with the request to install a commercial kitchen in an ancillary building on my residential property. I intend to use this kitchen to expand my small business, Handcrafted By Haley LLC, which I currently have as a cottage food business. I make gourmet chocolates and confections and my goal for the business is to be able to sell them in local gift shops while still being able to work from home. I have discussed this with a few business owners in town, including the owners of Naomi & Olive who have expressed interest in carrying my products if I am able to produce them in a commercial kitchen. I have spoken with people from the state and local health departments and will be applying for a food processing establishment license. Right now I am the sole member of my business with no employees. I do not have plans to hire any employees in the near future. If my business grows enough, I may consider hiring a few part time seasonal employees. If it grows to a point that I would need more employees, I would move to a larger commercial kitchen.

6. The proposed commercial kitchen will be housed within an approximately 1,186 square foot structure.
7. Based on the floor plan, the proposed structure includes an office/bedroom, kitchen, and bathroom. This would also classify the structure as an accessory dwelling unit. An accessory dwelling unit is limited to 800 square feet and the proposed structure does not meet the requirements as stated in the City of Dothan's Zoning Ordinance. *Art. XI. Supplemental Regulations. Sec. 114-183. Conforming buildings and/or structures. B) Residential accessory buildings and/or structures.*
8. Based on the site plan and narrative provided, the proposed use as a commercial kitchen does not comply with *Sec. 114-101. – Home occupations, specific requirements* of the zoning ordinance.
9. If the board chooses to approve the request the following items will need to be waived:
 - a. The 800 square foot size limitation to allow a 1186 square foot accessory dwelling unit;
 - b. If seasonal employees are hired, Item 6 which does not allow employees or employee vehicles at the home;
 - c. Item 10 which requires that all activities occur within the home; and
 - d. Item 11 which does not allow business activities within an accessory building.

Based on all findings associated with this request, planning staff recommend that *should* the Board of Zoning Adjustment approve this application for a special exception to authorize a home occupation to operate a commercial kitchen as an accessory use at 106 Kirk Lane that it do so in accordance 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 (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. 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.



BOARD OF ZONING ADJUSTMENT

August 4, 2021 Meeting

CASE NUMBER: SE-21-0215

Case Manager: Yvette Thomas, Sr. Planner

Summary of Information:

Project Name:	Bruner Rd – Manufactured Home
Property Address:	Bruner Rd (17-02-04-4-000-004-006)
Requested Action:	Special Exception to allow manufactured home
Applicant:	R. Lynnette Bradley (applicant/owner)

Zoning/Land Use:

ZONING DISTRICT: A-C, Agriculture-Conservation District



VICINITY & ZONING

The applicant is requesting approval to allow a manufactured home at a property located on Bruner Road. The property is located within the A-C District where a manufactured home is allowed only by Special Exception.

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

- Application was made on June 25, 2021, for the special exception to allow a manufactured home.
- The adjacent properties are zoned A-C, Agriculture-Conservation District and OCL (outside city limits).

- c. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
- d. The subject property sits on an approximately 2.96-acre parcel (see map above) and meets the minimum lot size requirement for the A-C zoning district.

Based upon all findings associated with this request, planning staff recommends the Board review the request for the special exception to allow a manufactured home at Bruner Road. If the board approves the request, staff recommends the following conditions:

1. The special exception is valid only for the applicant and this location;
2. The applicant shall obtain all necessary approvals for building permits that may be required for any proposed changes to the site;
3. The manufactured home shall comply with the guidelines for manufactured homes placed on private lots;
4. If a building permit is not obtained for this property within six (6) months, the Special Exception will expire; and,
5. Violation of any of the aforementioned conditions could result in revocation of the approval.

Diane
Thomas
Land

almost 3 acres long

Teal
Bradley
House

mobile Home

637
Bruner
Rd

SETBACKS
FRONT: 50 ft
SIDE: 15 ft
REAR: 40 ft

100 ft wide

Bruner Rd



**GUIDELINES FOR MANUFACTURED HOMES PLACED
ON PRIVATE LOTS WITHIN THE DOTHAN CITY LIMITS
BOARD OF ZONING ADJUSTMENT
DOTHAN, ALABAMA
ADOPTED April 10, 2002**

PURPOSE: It shall be the purpose of these guidelines to assist the applicant in the process of applying to the Board of Zoning Adjustment for a Special Exception to place a manufactured home on a private lot (a lot not located in a manufactured home park or subdivision) within the Dothan City Limits. The guidelines shall also serve to assist the applicant in determining whether the chosen neighborhood would be an appropriate location for the manufactured home.

RESPONSIBILITY OF THE APPLICANT: Prior to applying for a Special Exception from the Board of Zoning Adjustment, the applicant shall have reviewed the following Guidelines before applying to the Board of Zoning Adjustment. It is highly recommended that applicants do not sign any documents committing to the purchase of a manufactured home before the Board of Zoning Adjustment gives approval.

POLICY STATEMENT

It shall be the policy of the Board to consider manufactured homes in areas where manufactured homes are in existence along with conventional homes. The Board will be less inclined to approve manufactured homes where there are only conventional homes and the introduction of a manufactured home would not be in keeping with the established character of the neighborhood such as house design, architectural features, etc. Also, the Board will be less inclined to approve manufactured homes where there is significant neighborhood opposition.

I. Proof of Property Ownership:

It is the Board of Zoning Adjustment's policy that the applicant that will live in the manufactured home must hold title to or be in the process of purchasing the property on which the manufactured home is to be placed. A certified copy of the title or warranty deed, recorded by the Houston County Judge of Probate's Office, proving ownership of the property is to be attached to the Special Exception application.

II. Location:

- A. The lot for the proposed manufactured home should be of sufficient size so the manufactured home can be placed on it facing the street like the conventional homes along the same street and set back from the property lines according to the zoning district requirements for that property. A copy of the residential zoning district requirements will be supplied to the applicant.
- B. The proposed manufactured home shall be located in a neighborhood where it is of approximately the same size and/or square footage as the homes in the immediate area.
- C. Once a potential location has been found, the applicant shall contact the E-911 Addressing Agent (615-4437) to obtain a correct street address for the property.
- D. The applicant shall then obtain the names and current mailing addresses of the property owners located within a 300-foot radius of the property lines for inclusion on the Special Exception application. The Revenue Commissioner's Office at the Houston County Administrative Building, 462 North Oates Street, on the 5th Floor, should be consulted for this information.
- E. A drawing of the property showing its size and location of the manufactured home on the property, complying with the previously mentioned zoning district requirements, shall be done

according to the instructions given on the Special Exception application form. This drawing may be done on the application itself or attached to the application.

- F. Once the application has been completed, it may be submitted to the Planning and Development Department, Room 305, Third Floor, 126 North Saint Andrews Street, of the Dothan Municipal Building, along with a \$35.00 nonrefundable filing fee, for inclusion on the next available Board of Zoning Adjustment meeting agenda.

III. Ordinances and Codes:

- A. The manufactured home shall meet the requirements for construction as outlined in Section 604 of the National Manufactured Home Construction and Safety Standards Act of 1974 published in Public Law 93-383, 42 U.S.C. §5401 et seq. as amended from time to time.
- B. Sec. 58-2. Compliance with building code. (City of Dothan Code of Ordinances) Manufactured homes placed on a single lot ...shall comply with the building code. The building code provides that if the manufactured home *does not* (emphasis added) bear a seal of an independent testing laboratory approved by the governmental jurisdiction wherein the unit is placed it is subject to inspection in the same manner as other structures.
- C. The manufactured home shall meet the health and sanitation regulations of the state and local departments of health.

IV. Time Limit of Special Exception and Terms of Approval:

- A. If the occupants to whom the Special Exception was approved vacate the manufactured home or, if the manufactured home is moved from the location or not placed in the location in which the Special Exception was approved within six months, the Special Exception will be void.
- B. If the Special Exception is approved, it is done so with the applicant agreeing to comply with all State, County, and City regulations.
- C. The manufactured home must be tied down, placed on a permanent foundation, and the undercarriage bricked or blocked up to resemble a conventional home before being occupied.
- D. Utilities for the manufactured home must be inspected and approved by the Building Official before it may be occupied and a permit received from the Building Official's Office.

V. Addition to or Revision of Guidelines:

These Guidelines may be expanded or revised, within the limits allowed by law, by an affirmative vote of a majority of the Board of Zoning Adjustment, provided that such expansion or revision shall have first been presented to the membership in writing at a regular meeting preceding the meeting at which the vote is taken.



BOARD OF ZONING ADJUSTMENT

August 4, 2021 Meeting

CASE NUMBER: SE-21-0230

Case Manager: Yvette Thomas, Sr. Planner

Summary of Information:

Project Name:	Special Exception – New Fuel Dispensers
Property Address:	3731 South Park Ave
Requested Action:	Special Exception to add 2 new fuel dispensers
Applicant:	Dustin Shirley, Home Oil Company (applicant)

Zoning/Land Use:

ZONING DISTRICT: B-3, Local Shopping



VICINITY & ZONING

The applicant is requesting approval to add two (2) new fuel dispensers to an existing convenience store located at 3731 South Park Avenue. The property is located within the B-3 District where a convenience store is allowed only by Special Exception.

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

- a. Application was made on July 14, 2021, for the special exception to:
Request to add 2 new fuel dispensers south of store as shown on attached layout. The recent round-a-bout installation on our store frontage has left us with less room for

vehicular maneuverability and pump expansion. The new dispensers will require a drive-thru around the building and dumpster relocation. Improvements will not encroach with the 20' landscaped buffer to adjacent R-1 properties

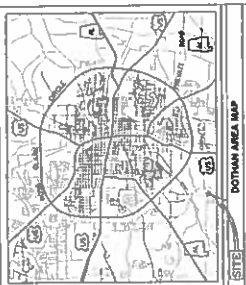
- b. Written notice of the application was provided by first class mail to all adjoining property owners as required by law.
- c. The subject property sits on an approximately 1.01-acre parcel (see map above).
- d. The adjacent properties are zoned R-1, Residential Single-Family, Low Density.
- e. The current site is nonconforming and the addition of new fuel dispensers will require compliance with the existing zoning ordinance. *Sec. 114-242.-Buffer Types (a) - (2)* A type 2 buffer shall be required between residential adjacent to or across a right-of-way of no more than two lanes and non-residential land uses including apartments containing up to 25,000 square feet of gross floor area. **The buffer shall be at least 25 feet in width. The 25-foot buffer must contain, at a minimum, eight trees and 30 shrubs per each 100 linear feet.** Where vacant single family residential abuts vacant or existing non-residential property, the type 1 buffer shall apply on the residential side. Residential buffers shall be recorded on the final plat map. A type 2 buffer shall apply where a new non-residential land use including apartments containing up to 25,000 square feet of gross floor area is adjacent to or across a right-of-way of no more than two lanes from an existing or future residential land use and shown on the approved development plan. The landscaping should be as evenly spaced throughout this area as possible. Nothing in this section shall prohibit the use of a natural buffer, subject to [section 114-241\(b\)](#). Any disturbance of the approved buffer shall require full restoration. Refer to Table 1.
- f. Requests to reduce the landscape buffer may be approved by the Planning Commission. A type 2 buffer may be reduced five feet with the addition of an eight-foot wood privacy fence plus a 20-percent increase in plant material. In no event shall the buffer be less than 20 feet in width.

Based upon all findings associated with this request, planning staff recommends approval of the special exception to allow a manufactured home at Bruner Road. If the board approves the request, staff recommends the following conditions:

1. The special exception is valid only for the applicant and this location;
2. The applicant shall obtain all necessary approvals for building permits and development plan approval that may be required for any proposed changes to the site;
3. If the applicant wishes to reduce the landscape buffer an application shall be submitted to the Planning Commission for review;
4. If a building permit is not obtained for this property within six (6) months, the Special Exception will expire; and,
5. Violation of any of the aforementioned conditions could result in revocation of the approval.



DATE	07/06/2021	DESCRIPTION	ISSUE FOR DOTHAN BZA REVIEW
APP			
DES			



One lot or parcel of land in the City of Dothan, Houston County, Alabama and being more particularly described as follows: BEGINNING at an existing iron pipe on the East R/W of South Park Avenue (80' R/W), same being the Northwest corner of Lot 7, Block "C" of a Replac of Park Glen Subdivision, as found recorded in Plat Book 10, Page 34 and from said point run N00°-02'-57"-W along the East R/W of said South Park Avenue a distance of 223.81 feet to an existing iron marking the intersection of the South R/W of Taylor Road (60' R/W); thence N78°-48'-15"E along the South R/W of Taylor Road a chord distance of 192.30 feet to an existing iron pipe; thence S03°-27'-37"E a distance of 142.40 feet to an existing iron pipe and the Northwest corner of Lot 4, Block "C" of the above mentioned subdivision; thence S03°-27'-37"E along the West line of said Lot 4 a distance of 81.19 feet to an existing iron pipe, same being the Northwest corner of Lot 6 and the North-east corner of Lot 7, Block "C" of the above mentioned subdivision; thence S78°-21'-09"W along the North line of said Lot 7 a distance of 205.48 feet to the POINT OF BEGINNING. Said land being located in the NE¼ of Section 3, T.1N., R.26E and containing 1.007 acres.



ROSE PARSONS & ASSOCIATES, INC.
 1007 HAZARD ROAD
 DOTHAN, AL 36501

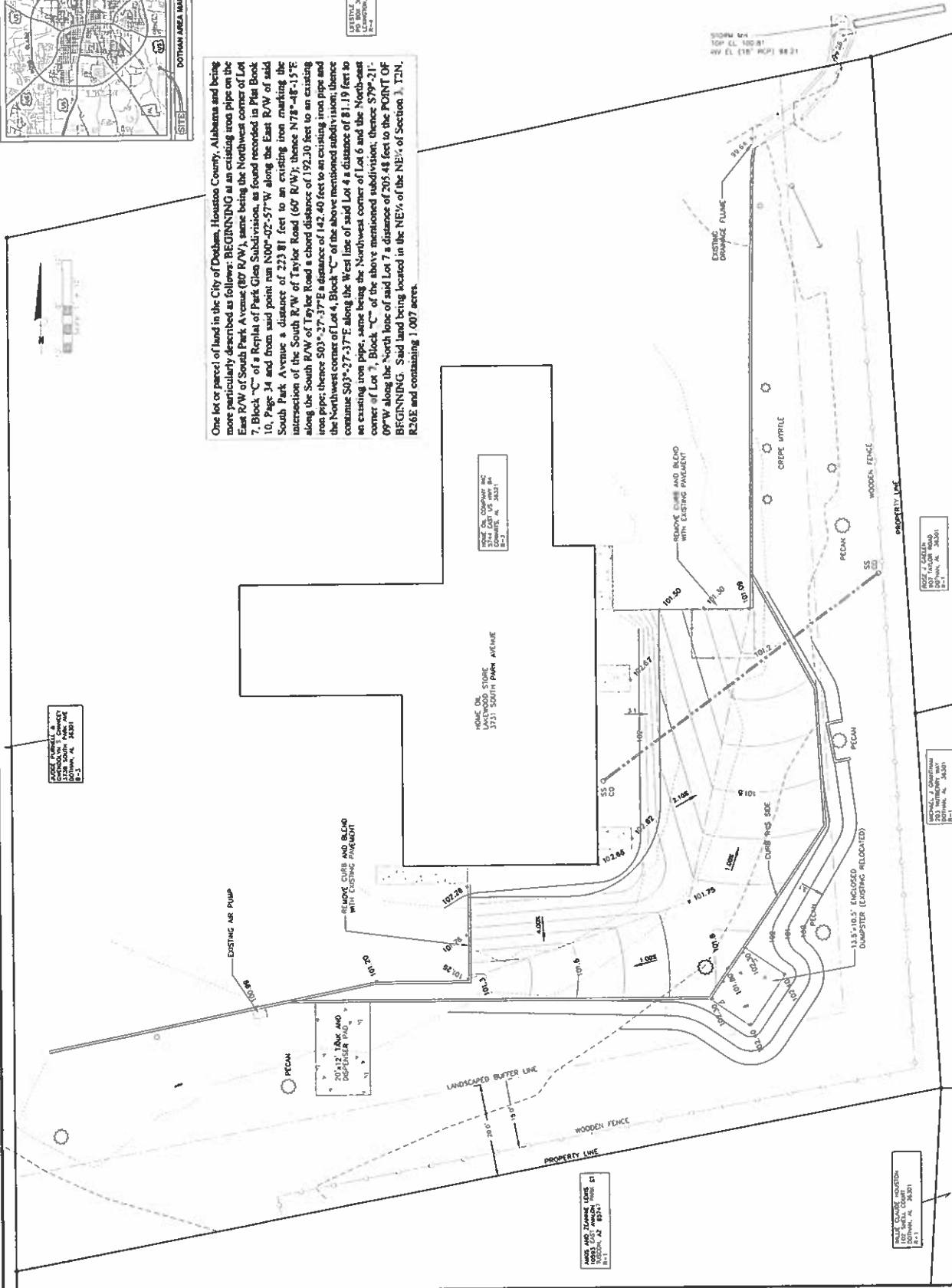
HOME OIL COMPANY INC
 3731 SOUTH PARK AVENUE
 DOTHAN, AL 36501

ROSE PARSONS & ASSOCIATES, INC.
 1007 HAZARD ROAD
 DOTHAN, AL 36501

ROSE PARSONS & ASSOCIATES, INC.
 1007 HAZARD ROAD
 DOTHAN, AL 36501

ROSE PARSONS & ASSOCIATES, INC.
 1007 HAZARD ROAD
 DOTHAN, AL 36501

HOME OIL COMPANY INC
 3731 SOUTH PARK AVENUE
 DOTHAN, AL 36501





BOARD OF ZONING ADJUSTMENT

August 4, 2021 Meeting

CASE NUMBER: SE-21-0232

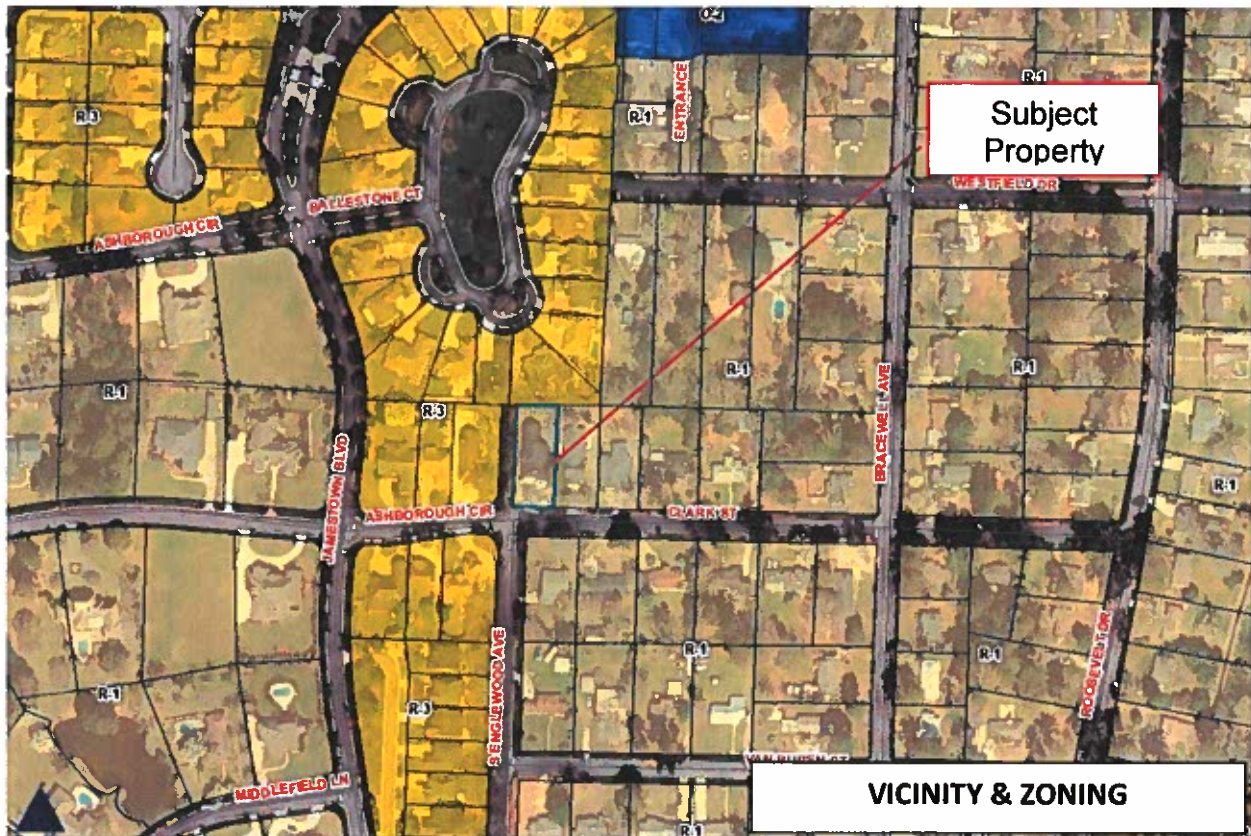
Case Manager: Yvette Thomas, Sr. Planner

Summary of Information:

Project Name:	Bed & Breakfast (B&B)
Property Address:	1914 Clark Street
Requested Action:	Special Exception for Bed & Breakfast (AirBnB)
Applicant:	Jerry and Elena Wilson (owner)

Zoning/Land Use:

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



The applicant is requesting approval of a special exception to allow a Bed & Breakfast (AirBnB) at a property located at 1914 Clark St. The property is located within the R-1 District where a Bed & Breakfast is allowed only by Special Exception.

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

- a. Application was made on July 20, 2021, for the special exception to operate a Bed & Breakfast and written notice of the application was provided by first class mail to all adjoining property owners as required by law.
- b. The City of Dothan Zoning Ordinance defines a Bed and Breakfast (B&B) as *a transient lodging establishment either converted from a single-family dwelling or specifically constructed for the purpose of providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.*
- c. The adjacent properties are zoned R-1, Residential, Single-Family Low Density and R-3, Residential, Single-Family High Density. The surrounding area is characterized by single-family residential homes.
- d. The subject property is approximately 11,761 square feet in size.
- e. The property has advertised on AirBnB and currently has an open code enforcement case.
- f. Based on previous applications the board has limited occupancy to no more than four persons.

Based upon all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment review the application for a special exception to operate a Bed & Breakfast located at 1914 Clark Street. If the board approves the request, staff recommends the following conditions:

1. The special exception is valid only for the applicant and this location;
2. The applicant shall obtain a business license and pay any required lodging tax;
3. Off-street parking shall be provided for each bedroom that is rented;
4. No more than four (4) people, other than family, allowed at any given time.
5. A local host or local contact person shall be available in case of emergency in the owner's absence, and the guest must be given their contact information at the time of check-in.
6. The applicant shall obtain all necessary approvals for building permits that may be required for any proposed changes to the building;
7. If a building permit is required and is not obtained for this property within six (6) months, the Special Exception will expire; and,
8. Violation of any of the aforementioned conditions could result in revocation of the approval.