

**BOARD OF ZONING ADJUSTMENT
MEETING MINUTES
SEPTEMBER 7, 2022
DOTHAN, ALABAMA**

The Board of Zoning Adjustment (BZA) met on **Wednesday, September 7, 2022, at 9:00 a.m.**, in the City Commission Chambers, 126 North St. Andrews Street, Room 203, of the Roy L. Driggers Municipal Building (Civic Center).

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

1. **Invocation:** Dr. Debora Pettway
2. **Pledge of Allegiance:** Dr. Debora Pettway led everyone in the Pledge.
3. **Members Present:** Chair, Gina Grant, Vice-Chair, Lori Wilcoxon, Angela McNeal, Stuart Lee, Parrish Smith, Debora Pettway, Ph.D., and Rebecca Long.

Members Absent: None.

Others Present: Morris Stringer (SUP) and Steve Sherrill (SUP); Todd McDonald, AICP, Planning Director; Yvette Thomas, Sr. Planner; Kimberly Vann, Planning Assistant; Kevan Kelly, Assistant Attorney; and Theresa Eddy, Secretary.

4. **Approval of the Agenda**
Chair Grant asked if there were any changes to the agenda. Hearing none, Chair Grant asked for a motion. ***Ms. McNeal made a motion to approve the agenda, Vice-Chair Wilcoxon seconded, and the motion carried.***
5. **Approval of July 13, 2022, Meeting Minutes**
Chair Grant asked for a motion on the meeting minutes as written. ***Ms. McNeal made a motion to approve the agenda, Vice-Chair Wilcoxon seconded, and the motion carried.***
6. **Disclosure of ex parte contact:** *None.*

7. **Oath**

Old Business

None.

New Business

8. **SE-22-0155: Request for a Special Exception to allow for the expansion of a religious institution within the R-1 zoning district– Property located at 703 Lennox Ave. – R-1 District – Pastor Helen Garner represented by G Mark Pepe.** Mr. Pepe addressed the board and stated that he was representing Pastor Garner. Mr. Pepe explained that this was an existing facility that had been operating for about 40 years, but it does not meet the present-day R-1 district ordinances and would like to continue operation. Chair Grant asked Mr. Pepe if he had read and could abide by the four staff conditions; Mr. Pepe affirmed. Chair Grant asked if the board members had any questions with no response. Chair Grant asked if anyone in the audience had questions, with no response. Chair Grant then asked for a motion. ***Dr. Pettway made a motion to approve with the staff conditions, Mr. Lee seconded, and the motion carried.***
 1. The special exception is valid only for the applicant and this location;
 2. The applicant shall obtain all necessary approvals for development plans and building permits that may be required for construction;
 3. If a building permit is not obtained for this property within six (6) months, the Special Exception will expire; and,
 4. Violation of any of the aforementioned conditions could result in revocation of the approval.

9. **V-22-0156: Request for a Variance for 5-feet 9-inches to the required 10-foot side yard for a building addition— Property located at 703 Lennox Ave – R-1 District – Pastor Helen Garner represented by G Mark Pepe.** Mr. Pepe addressed the board and stated that he was representing Pastor Garner. Mr. Pepe stated that this facility prepared 20-22 meals and would like to expand to serve 40-50 meals. By adding a 24'x14' extension, they could house their refrigeration, and freezer units, and add some seating. Ms. Thomas stated that the staff did not approve since there was no hardship. Ms. Wilcoxon asked Mr. Pepe if they discussed breaking up the pickup feeding schedule, to which Mr. Pepe stated that he did not. Dr. Pettway asked if people sit to eat. Mr. Pepe stated that some sit and that's why Ms. Garner wanted to expand the area. Ms. Long asked if there was going to be a parking concern with the expansion. Mr. Pepe stated that there was no dedicated parking now. Chair Grant stated that there was probably more foot traffic in that area and Mr. Pepe agreed, stating that a lot of people in vehicles just pick up food and go. Ms. Thomas explained that this site was zoned R-1 and that R-1 was one of the lowest densities and required the largest lot sizes for residential uses. This building was not being used for residential use, it has not had a residential use for some time and so due to that, it was non-conforming to the 12,000 sq. ft. lot size minimum and the building does not meet the setback requirements so any expansion of this building will expand upon the existing non-conformity. Mr. McDonald explained that this was like other areas of Dothan where the entire area was non-conforming and suggested an area-wide rezoning. R-3 would reduce the setbacks and they could add on without having to file for a variance. Chair Grant asked if anyone in the audience had questions with no response. Chair Grant then asked for a motion. Chair Grant asked again for a motion with no response. ***Due to the lack of motion, this request was denied.***
10. **SE-22-0165: Request for a Special Exception to allow an Automobile/Motor Vehicle Rental within the B-2 zoning district – Property located at Wiregrass Commons Mall, 900 Commons Drive, Suite 925 – B-2 District – Shannon James.** Ms. Stephanie Warner, 409 Highland Street, representing Shannon James, addressed the board. Ms. Warner explained that Dothan was a small area, so they were going to start with 3-4 vehicles and expand from that if needed. Dr. Pettway asked how they chose the mall. Ms. Warner stated that she hoped more people would start coming back to the mall and that the parking spaces were available. Ms. McNeal asked if the mall approved the use of the parking lot; Ms. Warner affirmed. Chair Grant asked Ms. Warner if she read and could abide by the four staff conditions; Ms. Warner affirmed. Chair Grant asked if anyone in the audience had questions, with no response. Chair Grant ask the board members if they had any questions. Ms. McNeal asked about the advertisement and marketing. Ms. Warner stated that they are going to start off slow with advertising and that the marketing target would be lower-income people that may not have a credit card. They will take cash and their vehicles will be right outside the door and they walk the customer to the vehicle. Ms. McNeal asked about the hours. Ms. Warner stated that they would have to conform to the mall hours, but customers can signup online and just pick up and drop off during working mall hours. Mr. McDonald asked if they had to lease through the mall; Ms. Warner affirmed. Chair Grant asked if there were further questions or comments. Hearing none, Chair Grant asked for a motion. ***Ms. Wilcoxon made a motion to approve with the staff conditions, Ms. Long seconded, and the motion carried.***
1. The special exception is valid only for the applicant and this location;
 2. The applicant shall obtain all necessary approvals for development plans and building permits that may be required for construction;
 3. If a building permit is not obtained for this property within six (6) months, the Special Exception will expire; and,
 4. Violation of any of the aforementioned conditions could result in revocation of the approved.
11. **SE-22-0166: Request for a Special Exception to allow a Daycare, Child/Adult (In-Home less than 6) – Property located at 1607 Squire Court – R-2 District - Tabitha Green.** Ms. Tabitha

Green called before the meeting and stated she would not be able to make it and would like to reschedule. **Mr. Lee made a motion to continue to the October 5, 2022 meeting, Ms. Pettway seconded, and the motion carried.**

12. SE-22-0167: Request for a Special Exception to allow a Daycare, Child/Adult (In-Home less than 6) – Property located at 304 S. Ussery Street – B-1 District - Mary McClendon.

Ms. Mary McClendon, 304 S. Ussery Street, addressed the board and stated that she was approved by the Fire Department but had to make a few repairs and then could open in October. Chair Grant asked Ms. McClendon if she had read and could abide by the nine conditions; Ms. McClendon affirmed. Chair Grant asked if anyone in the audience had questions. Ms. Betty Dixon, 302 S. Ussery Street, stated that she was concerned with the noise and that there was no parking. Ms. McClendon responded by stating that she was going to build a deck on the opposite side of the house and would have children between the ages of 6 mo. to 4 years of age, her hours would be from 6:30 a.m. to 4:30 p.m., and the children would be dropped off at the mailbox and walked to the front door. Dr. Pettway asked how someone would apply to her business and if she already had fulfilled her quota of children; Ms. McClendon will be accepting paper applications and would solicit after her approvals. Ms. Dixon stated that she will just have to wait and see how it all worked out. Chair Grant asked if there were any further questions or comments with no response. **Ms. Long made a motion to approve with the staff conditions, Ms. McNeal seconded, and the motion carried.**

1. The Special Exception is contingent on approval of the facility by the Dothan City Fire Marshal before it is licensed by the Department of Human Resources;
2. The applicant obtains a City of Dothan Privilege License before the commercial daycare begins operation;
3. The Department of Human Resources licenses the commercial daycare;
4. The Special Exception is good only for the applicant and this location;
5. The Special Exception is subject to all necessary local and state regulations and policies;
6. The Special Exception is valid only as long as the applicant has a valid State license or permit;
7. 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;
8. There is no on-street parking or queuing of traffic into the street right-of-way;
9. The applicant signs an affidavit acknowledging the preceding conditions, and the affidavit is displayed with all other licenses and permits.

13. Discussion: Short Term Rentals – Todd McDonald

14. Adjourn.

Ms. Wilcoxon made a motion to adjourn, Dr. Pettway seconded, and the motion carried.

The meeting adjourned at 9:48 a.m. The next meeting is on October 5, 2022.



Gina Grant, Chair



Theresa Eddy, Secretary