



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, February 1, 2012 at 9:00 a.m.**, in the City Commission Chambers, 126 North St. Andrews Street, Room 203, of the Roy L. Driggers Municipal Building.

The Board of Zoning Adjustment will have a preliminary meeting to review the agenda with the Planning Staff on Tuesday, January 31, 2012 at 2:00 p.m., in the **Sakado Room, second 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 January 4, 2012 Meeting Minutes***
3. ***Administration of Oath to Applicants - Rise to be sworn. The Board of Zoning Adjustment is a quasi-judicial body empowered directly from state law. Any testimony presented carries the same weight of importance as in formal legal proceedings. Appeals from the decisions of the Board of Zoning Adjustment are to circuit court.***

Old Business

None.

New Business

4. **SE-12-0033:** Request approval of a special exception for a nonqualifying home occupation to do custom jewelry and accessories, 503 Thunderbird Drive, R-1 District, Christina Sims.
5. **SE-12-0044:** Request approval of a special exception for a nonqualifying home occupation for a lawn care business, R-1 District, 218 Woodland Drive, Larry W Pike.
6. **V-12-0042:** Request approval of a 7-foot street side yard variance for property located in the median of the 6800 block of West Main Street (west of the Boy Scouts of America office), B-2 District, Northstar Engineering Services.
7. **V-12-0072:** Request approval of a 2.5-foot blanket side yard variance for all remaining undeveloped lots in Clayton Place Subdivision located on the west side of the 2400 Block of Westgate Parkway, R-4 District, T. Collins Webb.
8. **Adjourn.**

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

**BOARD OF ZONING ADJUSTMENT
REGULAR MEETING MINUTES
JANUARY 4, 2012
DOTHAN, ALABAMA**

The Board of Zoning Adjustment met in a Regular Meeting on Wednesday, January 4, 2012, at 9:00 a.m., in the City Commission Chambers, Dothan, Alabama.

MEMBERS PRESENT:

Chairman Gina Grant
Vice-Chairman Morris Stringer
Fred Barkett
Kevin Dorsey
Chad Lisenby
Ted Long
Susan Morrison

OTHERS PRESENT:

Todd McDonald, AICP, Planning & Development Director
Dawn Wrinn, Staff Planner
Craig Scurlock, Building Official
Commissioner Critt Snellgrove
Ken Williams, Supernumerary Member
Jansen Tidmore, DDRA Executive Director
Wendy Shiver, Administrative Assistant, Secretary for the Board

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

1. Approval of Agenda

2. Approval of December 7, 2011 Meeting Minutes

Vice-Chairman Stringer made a motion to approve the December 7, 2011 meeting minutes. Mr. Long seconded and the motion to approve passed unanimously.

3. Administration of Oath to Applicants

Ms. Dawn Wrinn, a Notary Public, administered the oath of testimony to the applicants and/or the applicants' representatives and also any member of the gallery planning to address the Board.

Old Business

4. V-11-0605: Request approval of a 2-ft. side yard variance for an open carport to be placed in a common area, 517 South Pontiac Avenue, Townhouse 1, R-4 District, Applicants: Rachel Burchfield, Belinda Bracewell and Joseph & Julie Bailey.

Ms. Rachel Burchfield of 517 South Pontiac Avenue, Townhouse 1 presented this request. Ms. Burchfield stated that she would like to build a carport on the side of her home. She stated the case was continued so that she could obtain the additional applicant's signatures as requested. Vice-Chairman Stringer acknowledged that the applicant has complied with all requests. ***Mr. Barkett made a motion to approve the request. Vice-Chairman Stringer seconded and the motion to approve passed unanimously.***

As per Section 114-99, this variance approval shall expire if a building permit has not been obtained within six (6) months from the date of the decision. Bring this letter with you as proof of Board approval.

New Business

5. SE-11-0790: Request approval of a special exception for a home office for a concrete finisher business, 1009 Post Oak Drive, R-2 District, Willie Frank Bolden.

Mr. Willie Frank Bolden of 1009 Post Oak Drive presented this request. Mr. Bolden stated that he has read, understands, and can abide by the stipulations. Vice-Chairman Stringer asked the applicant where his truck will be parked. Mr. Bolden stated that his truck will be parked behind his house. ***Mr. Long made a motion to approve the request with the seventeen stipulations set forth by Planning Staff. Mr. Barkett seconded and the motion to approve 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. Only residents of the home are authorized to engage in business activity at the home;
5. No more than 25 percent of the home shall be used for the business;
6. All work-related activities must be conducted inside the home;
7. No accessory building shall be used in conjunction with the business;
8. 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;
9. No employees or employee vehicles are allowed at the home;
10. No business-related vehicle may be parked in the street;
11. 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;
12. There shall be no noise, odors or vibrations associated with the business;

13. 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;
14. There shall be no customers at the home;
15. There shall be no signs or advertisements at the home, including on the mailbox;
16. Applicant is responsible for observing any private covenants which may impact the proposed home occupation; and
17. Violation of any of the aforementioned conditions could result in revocation of the approval.

6. V-11-0808: Request approval of a 10-foot front & 10-foot side yard-street variance for Brothers Fashions, 584 North Oates Street, B-1 District, Joseph R Donofro.

Mr. Joe Donofro, representative of client, presented this request. Mr. Donofro explained the reason for this request is to accommodate the size of the building needed for the business. He distributed to the board members a subsequent drawing which reflects the elimination of the driveway off Oates Street and showing that the entrance will be on Powell Street only. He stated that this layout forces the building toward Oates Street, and he gave examples of similar properties in the vicinity that he believes set some precedent on Oates Street. He stated if this intersection is used as the gateway to the core area that it will be good to bring the buildings right up to and as close to the sidewalk as possible as it will start to define the core area. Ms. Wrinn stated that the drawing shows two parking spaces within the ten foot setback requirement, and if the board chooses to approve this request, those parking spaces will need to be included in that approval. Mr. Donofro stated that those two spaces can be eliminated if needed. Regarding appropriate sight distance at this corner of the intersection, Mr. McDonald stated that he has spoken to the Traffic Division and was advised that fifteen feet should be adequate to maintain a sight distance standard. He stated that this will be evaluated further though when the site plan is submitted for review, and if for any reason the sight distance is found to be compromised by the building, the site plan will not be approved. Vice-Chairman Stringer asked if the Planning Commission will have the ability to eliminate the two parking spaces in question at the time of their site plan review. Mr. McDonald replied yes and advised Mr. Donofro that this will probably be asked of him. ***Vice-Chairman Stringer made a motion to approve the variance. Mr. Long seconded and the motion to approve passed unanimously.***

1. As per Section 114-99, this variance approval shall expire if a building permit, business license, etc. has not been obtained by the applicant within six (6) months from the date of the decision;
2. The two parking spaces shown near the West Powell Street are relocated 10 ft. from right-of-way or are removed;
3. Approval is subject to review by the Historic Preservation Commission and Planning Commission.

7. SE-11-0814: Request approval of a special exception for a home occupation for internet sales of firearms, 201 Denise Street, R-3 District, Brendan Scott.

Mr. Brendan Scott of 201 Denise Street presented this request. Mr. Scott stated that he will have no customers coming to his home and explained the process of firearm internet sales. He stated that when a firearm is purchased on the internet, the firearm must be shipped to a Federal Firearms License (FFL) holder. He stated the buyer will then complete the paperwork process at that location before obtaining the firearm. He added that any local sales will take place at gun shows. Mr. Barkett inquired into the volume of firearms that will be kept at the residence. Mr. Scott replied that he estimates a quantity of no more than ten firearms and the inventory will be kept in a gun safe. Mr. Barkett asked the applicant if he plans to also sell ammunition. Mr. Scott replied possibly in the future but for now it will be firearms only. Chairman Grant stated that if this request is approved the applicant will have stipulations that he will need to abide by. Mr. Scott assured the board that any firearm sales will be conducted either on the internet or at local gun shows and that no customers will come to his home. After further discussion, Chairman Grant called for a motion and requested that the motion include the statement that the applicant will need to abide by the same stipulations of any home occupation. Ms. Wrinn read the list of standard stipulations to the applicant. Mr. Scott stated that he can abide by each of them. ***Mr. Dorsey made a motion to approve the request with the seventeen stipulations set forth by Planning Staff. Vice-Chairman Stringer seconded and the motion to approve passed with 6 yeas and 1 nay with Mr. Barkett in opposition.***

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. Only residents of the home are authorized to engage in business activity at the home;
5. No more than 25 percent of the home shall be used for the business;
6. All work-related activities must be conducted inside the home;
7. No accessory building shall be used in conjunction with the business;
8. 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;
9. No employees or employee vehicles are allowed at the home;
10. No business-related vehicle may be parked in the street;
11. 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;
12. There shall be no noise, odors or vibrations associated with the business;
13. 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;
14. There shall be no customers at the home;
15. There shall be no signs or advertisements at the home, including on the mailbox;
16. Applicant is responsible for observing any private covenants which may impact the

proposed home occupation; and

17. Violation of any of the aforementioned conditions could result in revocation of the approval.

8. SE-11-0815: Request approval of a special exception for a home occupation for a tree cutting business, 602 Burbank Street, R-1 District, Robert Clark.

Mr. Robert Clark of 602 Burbank Street presented this request. Chairman Grant asked the applicant if he is licensed and bonded. Mr. Clark stated that he has plans to complete this procedure after the board's approval. He stated he has read and can comply with each of the stipulations. Mr. Clark stated that he has an F150 truck and will store this vehicle behind his residence under a storage shed. Chairman Grant asked the applicant how he will dispose of trees once cut. He stated that if it is a small job he will remove with truck and trailer and dispose at a local landfill, and if it is a large job he will rent a container. He stated he understands that the cuttings cannot be placed by the street. Mr. Barkett asked if the applicant will be using large equipment such as a bucket truck, stump grinder or Bobcat. Mr. Clark stated that at this time he will not be using a bucket truck or Bobcat. He stated at the customer's request he will use a stump grinder and will rent the equipment as needed. Chairman Grant advised the applicant that if his business grows and he does need to use larger equipment that he will not be allowed to keep that equipment at his home.

Mr. Barkett made a motion to approve the request with the seventeen stipulations set forth by Planning Staff. Mr. Long seconded and the motion to approve 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. Only residents of the home are authorized to engage in business activity at the home;
5. No more than 25 percent of the home shall be used for the business;
6. All work-related activities must be conducted inside the home;
7. No accessory building shall be used in conjunction with the business;
8. 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;
9. No employees or employee vehicles are allowed at the home;
10. No business-related vehicle may be parked in the street;
11. 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;
12. There shall be no noise, odors or vibrations associated with the business;
13. 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;

14. There shall be no customers at the home;
15. There shall be no signs or advertisements at the home, including on the mailbox;
16. Applicant is responsible for observing any private covenants which may impact the proposed home occupation; and
17. Violation of any of the aforementioned conditions could result in revocation of the approval.

9. SE-11-0816: Request approval of a special exception for a home occupation for a massage therapy practice, 819 Woodland Drive, R-1 District, Joyce Godwin.

Ms. Joyce Godwin of 819 Woodland Drive presented this request. She stated a mother-in-law suite exists at the end of the home and at no time will anyone enter her personal residence. She stated that there will only be one customer at a time on the property. Chairman Grant acknowledged that the applicant presented a previous request to the board in July 2011 and there were several neighbors who expressed opposition. Chairman Grant asked the applicant if she had since spoken to her neighbors. Ms. Godwin stated that she had explained the situation to her neighbors and received no verbal objections. The applicant stated that her regular hours of operation will be Monday, Tuesday, Thursday and Friday starting at 10:00 a.m. and her last appointment will be at 5:30 p.m. She stated that there are exceptions when a client may need to be seen on other days or times if they are having an issue. Chairman Grant informed Ms. Godwin that if her request is approved she will have the same stipulations to abide by as read by Ms. Wrinn earlier with the revision that she will be allowed to have one customer at a time by appointment only. Ms. Wrinn asked if the stipulations will include the hours of occupation. Chairman Grant stated that she would like to add the times of 10:00 a.m. to 5:30 p.m. in the motion. ***Mr. Long made a motion to approve the request with the eighteen stipulations as discussed. Vice-Chairman Stringer seconded and the motion to approve passed with 6 yeas and 1 nay with Mr. Barkett in opposition.***

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. Only residents of the home are authorized to engage in business activity at the home;
5. No more than 25 percent of the home shall be used for the business;
6. All work-related activities must be conducted inside the home;
7. No accessory building shall be used in conjunction with the business;
8. 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;
9. No employees or employee vehicles are allowed at the home;
10. No business-related vehicle may be parked in the street;
11. 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;

12. There shall be no noise, odors or vibrations associated with the business;
13. 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;
14. There shall be only one customer at the home at any time by appointment only;
15. Business hours shall only be from 10: a.m. until 5:30 p.m.;
16. There shall be no signs or advertisements at the home, including on the mailbox;
17. Applicant is responsible for observing any private covenants which may impact the proposed home occupation; and
18. Violation of any of the aforementioned conditions could result in revocation of the approval.

10. SE-11-0817: Request approval of a special exception for a mental health facility for Southeast Intervention Group, 1152 West Main Street, B-3 District, Larry Kirkland, Jr., M.D.

Mr. David Johnston, Attorney-at-Law, representing Dr. Larry Kirkland and the Southeast Intervention Group, presented this request. Mr. Johnston explained that this organization is a nonprofit that provides long term treatment for substance abuse and dependency. He stated they utilize the twelve step program and are Christian based. He stated that they have a contract to purchase the property located at 1152 West Main Street from Ed Marblestone. Mr. McDonald stated that Dr. Kirkland provided the Fire Marshal's inspection report which satisfies condition number one. The board expressed appreciation to the organization for their work in the community. ***Mr. Lisenby made a motion to approve the request with the nine stipulations set forth by Planning Staff. Mr. Barkett seconded and the motion to approve passed unanimously.***

1. The special exception is contingent upon approval of the facility by the Dothan City Fire Marshal;
2. The applicant obtains a City of Dothan Privilege License before the facility begins operation;
3. The applicant provides an executed lease or purchase agreement for the property prior to beginning operation;
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 invalidated if the applicant's State license or permit is revoked or the applicant violates any State or local regulations or policies;
8. Any proposed signs comply with Section 114-207 of the Zoning Ordinance and sign permits are obtained from the Building Permits and Inspections Office before the signs are placed on the property; and,
9. The applicant signs an affidavit acknowledging the preceding conditions and the Affidavit is displayed with all other licenses and permits.

11. SE-11-0820: Request approval of a special exception to park a 28 x 30 manufactured home for lifetime use, 1981 Starling Road, A-C District, Edward Holland.

Mr. Steve Etheredge, Attorney-at-Law, presented this request. Mr. Etheredge stated that he has looked at the staff report for this case and disagrees with the representation that this was originally presented to the Building and Permitting office as a modular home. He distributed to the board documents that he stated indicate that this was originally presented as a request for a building permit for a manufactured home. He stated that after obtaining the permits, Mr. Holland has spent thousands of dollars putting in a septic system, running water, purchasing the home, and moving the home. Mr. Scurlock stated that the applicant was informed on October 14, 2011 that the home could not be a manufactured home. At that time, the applicant stated it would be a modular home and proceeded to apply for a residential building permit. Mr. Scurlock stated that on October 17, 2011 an application was filled out for a manufactured home setup, and on October 20, 2011 a manufactured home setup permit was sold. He stated that it was issued in error. Chairman Grant asked if the applicant owns the property. Mr. Etheredge stated that Mr. Holland's father owns the property and will deed a piece to the applicant. Chairman Grant acknowledged that the board has received various letters, phone calls and e-mails in opposition to this request. She stated that the residents of this neighborhood have remained consistent in their opposition to manufactured homes being placed in the area. Mr. Etheredge pointed out that the staff report states there are no other mobile homes on that road and in fact, there is one which is located next door to the address of this request. Mr. McDonald stated that the history of that manufactured home is not known, and added that it could have been on the property when it was annexed. Chairman Grant replied that someone in opposition of this request acknowledged the other mobile home and stated that it had been grandfathered. Mr. McDonald stated there is no record on file one way or the other. After further discussion, Mr. McDonald reiterated to the board that the application that Mr. Holland signed was for a residential structure, not for a manufactured home, and that staff would not have signed off on this application had they been under the impression it was going to be a manufactured home as the City code requires BZA approval. He advised the board to consider this request as they would have had it come before them initially and determine if it is appropriate for the neighborhood. Mr. Barkett stated that in the past the board has typically not approved manufactured homes requests when they have received similar neighborhood opposition. ***Chairman Grant called for a motion twice and there being no motion, the request was denied due to lack of motion.***

12. SE-11-0823: Request approval of special exception for a home occupation for a mobile car wash business, 1020 Leona Street, Johnny McGlon.

Mr. Johnny McGlon of 1020 Leona Street presented this request. Chairman Grant confirmed with the applicant that no vehicles will be washed at the residence. Mr. McGlon replied that he understands and can abide by all stipulations. ***Mr. Dorsey made a motion to approve the request with the eighteen stipulations set forth by Planning Staff. Mr. Long seconded and the motion to approve 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. Only residents of the home are authorized to engage in business activity at the home;
 5. No more than 25 percent of the home shall be used for the business;
 6. All work-related activities must be conducted inside the home;
 7. No accessory building shall be used in conjunction with the business;
 8. 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;
 9. No employees or employee vehicles are allowed at the home;
 10. No business-related vehicle may be parked in the street;
 11. 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;
 12. There shall be no noise, odors or vibrations associated with the business;
 13. 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;
 14. There shall be no customers at the home;
 15. All vehicles must be washed and detailed at the customer's location;
 16. There shall be no signs or advertisements at the home, including on the mailbox;
 17. Applicant is responsible for observing any private covenants which may impact the proposed home occupation; and
 18. Violation of any of the aforementioned conditions could result in revocation of the approval.

13. Proposed Amendment to Section IX, General Rules, of the Board of Zoning Adjustment Bylaws.

Ms. Wrinn explained this provision gives the board the ability to suspend any of the bylaws, such as waiving the six month waiting period. Chairman Grant added that in some situations, such as a health issue of the applicant, this could be helpful. ***Vice-Chairman Stringer made a motion to approve the amendment. Mr. Barkett seconded and the motion to approve passed unanimously.***

Mr. McDonald distributed to the board members an article for their reading regarding a Mississippi case which addresses hardship determination.

Chairman Grant requested increased police presence in the neighborhood of Starling Road due to serious threats being made to those people who expressed opposition. She also asked about the removal of the mobile home now that the request has been denied. Mr. McDonald stated that he will communicate these concerns to the police chief. He stated in regard to the denial this becomes an enforcement issue and a letter will be sent giving

them thirty days to remove the structure. He stated they have fifteen days to appeal to circuit clerk.

Chairman Grant stated that Mr. Whitaker has still not skirted his manufactured home. She requested staff to send him a letter on the board's behalf stating that he has still not abided by one of his stipulations which requires him to skirt the home. Mr. McDonald stated that Ms. Wrinn will do a visual observation to make a determination and then send a reminder letter giving him thirty days to comply.

Vice-Chairman Stringer stated Mike's Repair Shop on Hodgesville Road appears to be adding more vehicles across the road. Ms. Wrinn stated that there is a fence along that property. Mr. McDonald stated that the property is not approved for this use. Vice-Chairman Stringer stated that the property is partly being used as a junkyard.

Vice-Chairman Stringer stated that the property on the Ross Clark Circle that used to be a two to three story church has a sign on it that possibly indicates it being a church again. Mr. McDonald stated that the property has recently been rezoned. Vice-Chairman Stringer stated that he just wanted to mention it in case a request needs to be brought before the board for approval. Mr. McDonald stated that it does require a special exception in the B-3 District.

Chairman Grant thanked Commission Snellgrove and Jansen Tidmore for being in attendance.

14. Adjourn

Vice-Chairman Stringer made a motion to adjourn. Mr. Barkett seconded and the meeting was adjourned at 10:34 a.m.

Gina Grant, Chairman

Wendy Shiver, Secretary



BOARD OF ZONING ADJUSTMENT

STAFF REPORT

CASE NUMBER: SE-12-033

Case Manager: Dawn Wrinn

Summary of Information:

Project Name:	Custom Jewelry and Accessories
Property Address:	503 Thunderbird Drive
Requested Action:	Special Exception
Applicant:	Christina Sims
Property Owner:	Beverly and Sidney Watford

Zoning/Land Use:

Zoning District:	R-1
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The applicant, Christina Sims, is requesting approval of a special exception of a home occupation for a home office for making custom jewelry and accessories at 503 Thunderbird Drive, which is located in an R-1 zoning district.

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

- a. The applicant made application for a special exception for a home occupation to allow a home office for making custom jewelry and accessories at 503 Thunderbird Drive (Property) on January 12, 2012.
- b. The applicant is not the property owner. The property owner has given written permission for the applicant to use the home for the business.
- c. The property is within Dothan's City Limits.
- d. The property and all adjoining properties are zoned R-1.
- e. Written notice of the application was provided by first class mail to all adjoining property owners on January 12, 2012, and by publication to the public in the Dothan Eagle on January 25, 2012.
- f. As of the date of this report, January 26, 2012, staff had not received any calls from any of the adjoining property owners.
- g. Other similar craft-type businesses have previously had to have Board of Zoning Adjustment approval.
- h. The administrative official has determined that this type of business will be classified as a Qualified Home Occupation if the applicant does not have customers come to the home.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **remove** this application for a special exception to authorize Christina Sims to operate a home occupation for making custom jewelry and accessories at 503 Thunderbird Drive and direct her to make application in the Planning Department to operate a Qualified Home Occupation.



VICINITY MAP



BOARD OF ZONING ADJUSTMENT

STAFF REPORT

CASE NUMBER: SE-12-044

Case Manager: Dawn Wrinn

Summary of Information:

Project Name:	Lawn Care Business
Property Address:	218 Woodland Drive
Requested Action:	Special Exception
Applicant/Property Owner:	Larry W. Pike

Zoning/Land Use:

Zoning District	R-1
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The applicant, Larry W. Pike, is requesting approval of a special exception of a home occupation for a home office for a lawn care business at 218 Woodland Drive, which is located in an R-1 zoning district.

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

- a. The applicant made application for a special exception for a home occupation to allow a home office for a lawn care business at 218 Woodland Drive on January 17, 2012.
- b. The applicant is the property owner.
- c. The property is within Dothan's City Limits.
- d. The property and all adjoining properties are zoned R-1.
- e. Written notice of the application was provided by first class mail to all adjoining property owners on January 17, 2012 and by publication to the public in the Dothan Eagle on January 25, 2012.
- f. As of the date of this report, January 26, 2012, staff had not received any calls from any of the adjoining property owners.

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 Larry W. Pike to operate a home occupation for a lawn care business at 218 Woodland 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. Only residents of the home are authorized to engage in business activity at the

- home;
5. No more than 25 percent of the home shall be used for the business;
 6. All work-related activities must be conducted inside the home;
 7. No accessory building shall be used in conjunction with the business;
 8. 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;
 9. No employees or employee vehicles are allowed at the home;
 10. No business-related vehicle may be parked in the street;
 11. 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;
 12. There shall be no noise, odors or vibrations associated with the business;
 13. 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;
 14. There shall be no customers at the home;
 15. There shall be no signs or advertisements at the home, including on the mailbox;
 16. Applicant is responsible for observing any private covenants which may impact the proposed home occupation; and
 17. Violation of any of the aforementioned conditions could result in revocation of the approval.



VICINITY MAP



BOARD OF ZONING ADJUSTMENT

STAFF REPORT

CASE NUMBER: V-12-042

Case Manager: Dawn Wrinn

Summary of Information:

Project Name:	7-foot Street Side Yard
Property Address:	6800 Block of West Main Street
Requested Action:	Variance
Applicant:	Northstar Engineering Services
Property Owner:	Figment 360, LLC

Zoning/Land Use:

Zoning District:	B-2
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The applicant, Northstar Engineering Services, on behalf of the property owner, Figment 360, LLC, is requesting approval of a 7-foot street side yard variance for construction of a new office building in the median of the 6800 Block of West Main Street, which is located in a B-2 zoning district.

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

- a. The applicant made application for a 7-foot street side yard variance for construction of a new office building for Figment 360, LLC, in the median of the 6800 Block of West Main Street (Property) immediately west of the Boy Scouts USA building. Initially the applicant had applied for a 22-foot street side yard variance on January 17, 2012 but modified the request to a 7-foot street side yard variance on January 19, 2012.
- b. The applicant is the representative of the property owner.
- c. The property is within Dothan's City Limits.
- d. The property is zoned B-2. The adjoining properties are zoned O-2 and A-C.
- e. Written notice of the application was provided by first class mail to all adjoining property owners on January 17, 2012 for the 22-foot variance and January 19, 2012 for the 7-foot variance. Publication to the public in the Dothan Eagle was made on January 25, 2012 for the 7-foot variance.
- f. As of the date of this report, January 26, 2012, staff had not received any calls from any of the adjoining property owners.
- g. This Planning Commission approved Development Plans for an office on this property in March of last year without needing variances.
- h. The applicant has indicated that the building has been reconfigured to face the Boy Scout office building instead of West Main Street necessitating the variance request.
- i. The B-2 zoning district street side yard setback is 25 feet. The applicant's site plan shows the finished wall of the building within 18-feet of the right-of-way.

- j. The application indicates that the property is unique because it is in the median of West Main Street and surrounded on three sides by Alabama Department of Transportation (ALDOT) rights-of-way.
- k. The application further indicates that ALDOT also has multiple storm drain and utility easements on site, which “reduces the available area to locate the proposed office building.”

Section 114-99 of the Zoning Regulations of Dothan, Alabama authorizes the Board of Zoning Adjustment to grant upon appeal in specific cases such variance from the terms of the ordinance upon an affirmative finding that all of the following conditions exist:

- A. The requested variances arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
- B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- C. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.
- D. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this chapter; and
- E. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this chapter or the comprehensive plan.

It is the Planning Staff’s determination that all of the conditions exist.

Before the board of adjustment shall grant a variance, it shall make the following three (3) findings of fact, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

- A. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter. See Section 114-99 (B) (1) for additional information on the definition of a hardship.

Staff Analysis: The location of drainage and utility easements on the property would appear to make it difficult to develop the property.

- B. The variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

Staff Analysis: The variance is minimal and would afford adequate development of the property.

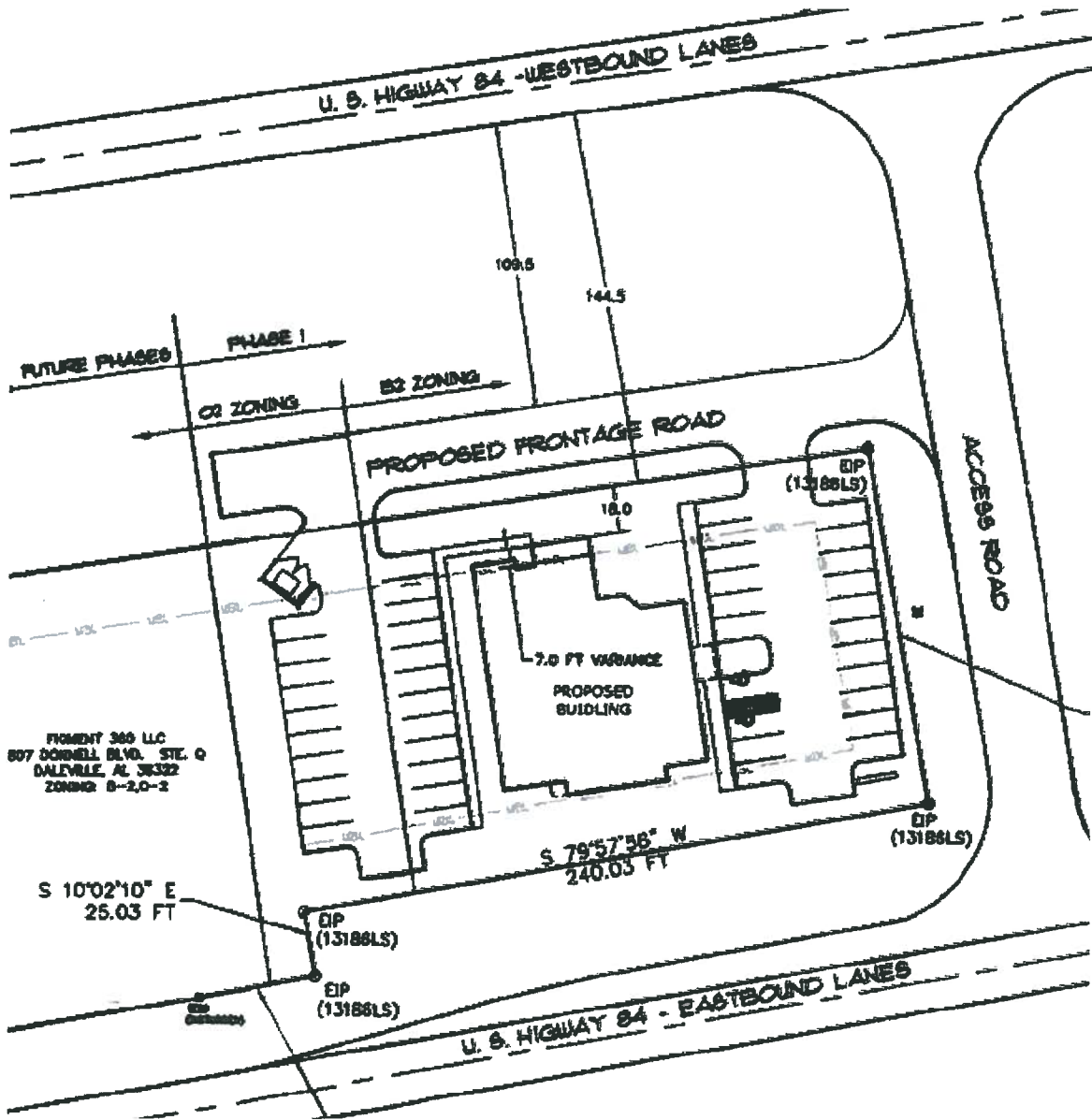
- C. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

Staff Analysis: The site plan shows an access road to the property off West Main Street that would ensure that the safety and welfare of the public would not be negatively impacted.

Should the Board of Zoning Adjustment find that all of these tests are met, then the granting of the variance is in order.

Based on an analysis of the facts associated with this request, staff recommends approval of the 7-foot street side yard variance with the following conditions:

1. That construction permits are obtained within six months of the date of approval or the variance approval becomes void as per Section 114-99 B) (3) (b) of the Zoning Ordinance; and,
2. The Planning Commission review and approve revised development plans before any construction permits are issued and any work is done on the property.



SITE PLAN



BOARD OF ZONING ADJUSTMENT

STAFF REPORT

CASE NUMBER: V-12-0072

Case Manager: Dawn Wrinn

Summary of Information:

Project Name:	2.5-Foot Side Yard
Property Address:	2499 Westgate Pky
Requested Action:	Variance
Project:	Clayton Place Subdivision
Applicant/Property Owner:	T. Collins Webb

Zoning/Land Use:

ZONING DISTRICT	R-4
SETBACK-SIDE	7.5

The applicant, T. Collins Webb, is requesting approval of a 2.5-foot side yard variance for the remaining undeveloped lots in Clayton Place Subdivision at the intersection of 2499 Westgate Pky, which is located in an R-4 (formerly TH-24) zoning district.

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

- a. The applicant made application for a 2.5-foot side yard variance for the remaining undeveloped lots in Clayton Place Subdivision at the intersection of 2499 Westgate Pky (Property) on January 23, 2012.
- b. The applicant is the property owner.
- c. The property is within Dothan's City Limits.
- d. The property and all adjoining properties are zoned R-4.
- e. Written notice of the application was provided by first class mail to all adjoining property owners on January 23, 2012, and by publication to the public in the Dothan Eagle on January 25, 2012.
- f. As of the date of this report, January 26, 2012 staff had not received any calls from any of the adjoining property owners.
- g. The subdivision was platted under the former TH-24 zoning district regulations, which allowed for side yard setbacks of five feet for a total of ten feet between townhomes.
- h. The new R-4 zoning district requires side yard setbacks of 7.5 feet for a 15-foot separation between townhomes.
- i. The situation became to the attention of the Planning Department when a request was made for a construction permit in the Building Permits and Inspections Office and the subdivision plat showed five-foot setbacks instead of 7.5 feet on either side.

- j. The final plat approval for the subdivision mentions 5-foot side yard setbacks, 20-foot rear yard setbacks; and, 10-foot sideyard setbacks between townhouse complexes under the TH-24 zoning district requirements at the time and also required a development plan establishing the setbacks. However, no development plan approval can be found.
- k. All infrastructure improvements have been installed for the 58 lots in the subdivision based on the above mentioned setback requirements shown on the recorded final plat.
- l. The administrative official reviewed the situation and determined that applying to the Board of Zoning Adjustment for a 2.5-foot side yard variance for the remaining undeveloped lots would be the best recourse for the situation.

Section 114-99 of the Zoning Regulations of Dothan, Alabama authorizes the Board of Zoning Adjustment to grant upon appeal in specific cases such variance from the terms of the ordinance upon an affirmative finding that all of the following conditions exist:

- A. The requested variances arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
- B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- C. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.
- D. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this chapter; and
- E. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this chapter or the comprehensive plan.

It is the Planning Staff's determination that all of the conditions exist.

Before the board of adjustment shall grant a variance, it shall make the following three (3) findings of fact, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

- A. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter. See Section 114-99 (B) (1) for additional information on the definition of a hardship.

Staff Analysis: The developer has done substantial planning and construction (sewer laterals) in anticipation of the 5 ft. setback. A replat would be required in order to meet the new setback.

- B. The variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

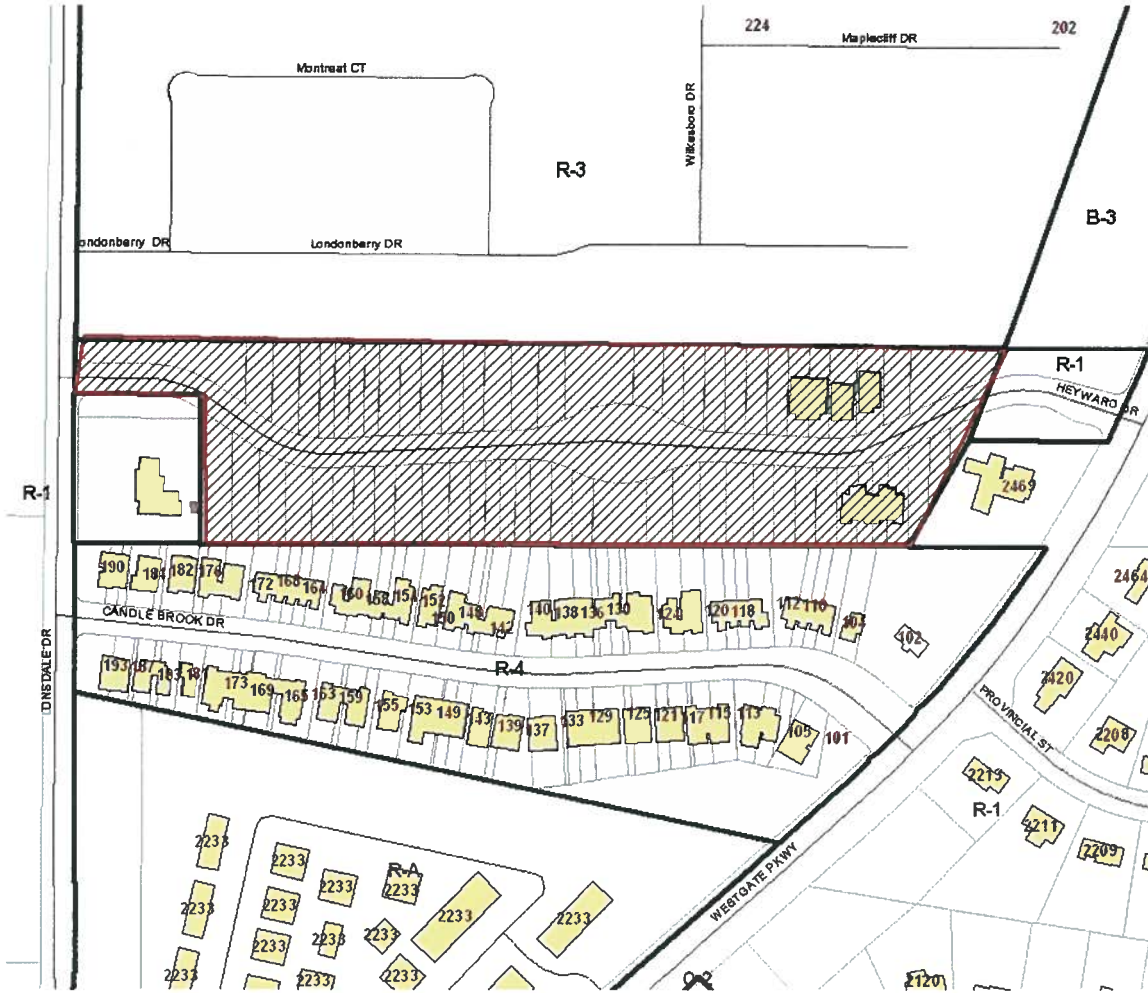
Staff Analysis: The variance is minimal and would afford adequate development of the property.

- C. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

Staff Analysis: The public safety and welfare will not be compromised by the reduction of the sideyard setback

Should the Board of Zoning Adjustment find that all of these tests are met, then the granting of the variance is in order.

Based on all findings associated with this request, planning staff recommends that the Board of Zoning Adjustment **approve** this application for 2.5-foot side yard variances (5 ft. sideyards) for the remaining undeveloped lots in Clayton Place Subdivision at the intersection of 2499 Westgate Pky, which is located in an R-4 (formerly TH-24) zoning district with the condition that per Section 114-99, this variance approval shall expire if building permits have not been obtained by the applicant within six (6) months from the date of the decision.



VICINITY MAP