



BOARD OF ZONING ADJUSTMENT

AGENDA

NOVEMBER 2018

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Minutes October 2018

MEMBERS PRESENT: Chairman, Charles Taylor, Mr. Forrest Temple, Ms. Delayne Dean

SUPERNUMERARIES: Susana Salcido

OTHERS PRESENT: Mr. Wally Terry, Director
.....and Custodian of Records
Mr. Herman Marks, City Attorney
Mr. Chip Alexander, Asst. City Attorney
Mrs. Karen Smith, Planner
Mr. Bob Sims, Building Inspector
Mrs. Nancy Whiteside, Recorder

Chairman, Charles Taylor called the meeting to order at 4:00 p.m. in the Council Chambers at City Hall. Mr. Bob Sims called the roll.

Chairman, Charles Taylor announced that there would only be 4 members present today for the meeting. It would take 4 favorable votes for a request to pass. If anyone on the agenda for today's meeting would like to delay until next month's meeting they could do so at no extra cost. Notification to the Building Department would be necessary so they could be put back on the agenda for November's meeting.

Ms. Delayne Dean motioned to **approve** the minutes of the September meeting as printed. Mr. Forrest Temple seconded the motion. On a voice vote, the motion carried.

The Board considered the following applications and appeals.

Point of Information: The rules and regulations of a home occupation were explained to each applicant requesting a home occupation. Each applicant stated they understood the rules and regulations.

CASE NO. 1

Application and appeal of Elizabeth W. Terry for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a consulting business located at 2252 Westmeade Dr. SW, property is located in a R-2 Single-Family Residential Zoning District.

Mr. James Terry representative for Elizabeth Terry presented this case to the Board. Mr. Terry stated he and his wife, Elizabeth Terry, would like to use one room in their house for an administrative office for a consulting business.

Ms. Susana Salcido asked what type of consulting business it would be. Mr. Terry replied a consulting business for an environmental lab services business.

Mr. Forrest Temple asked if they would do any marketing which shows their address, Mr. Terry replied no.

Chairman, Charles Taylor asked if there were any employees, Mr. Terry replied no.

Chairman, Charles Taylor asked if there would be testing done at the home address, Mr. Terry replied no.

Chairman, Charles Taylor asked for comments from the public.

Mr. Bob Sims, Building Department had no comments.

Mrs. Karen Smith, Planning Department recommended for approval.

Mr. Forrest Temple motioned to approve this case as submitted. Ms. Susana Salcido seconded the motion. On a roll-call vote the motion carried.

CASE NO. 2

Application and appeal of Lorrienne Curtis for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an interior design business located at 2406 Modaus Rd. SW, property is located in an AG-1 Agricultural Zoning District.

This case was moved to the end of the docket because no one came forward when the case was called.

CASE NO. 3

Application and appeal of Makeba Pettus for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an event planning business located at 1001 Terrehaute Av. SW, property is located in a R-2 Single Family Residential Zoning District.

Ms. Pettus presented this case to the Board. Ms. Pettus stated she would like to have an administrative office for her event planning business.

Ms. Delayne Dean, asked about the type of events she would be planning. Ms. Pettus stated weddings and birthday parties.

Ms. Delayne Dean asked about the storage of supplies. Ms. Pettus stated she would be strictly planning the events and not providing any supplies.

Ms. Susana Salcido asked where Ms. Pettus would meet her clients. Ms. Pettus replied at a neutral site.

Chairman, Charles Taylor reminded Ms. Pettus that clients could not meet at her home, Ms. Pettus understood.

Ms. Delayne Dean reminded Ms. Pettus that it was allowable to have phone numbers, website and such on advertisements just not home addresses. Ms. Pettus understood.

Chairman, Charles Taylor asked for comments from the public.

Mr. Bob Sims, Building Department, had no comment.

Mrs. Karen Smith, Planning Department recommended approval.

Mr. Forrest Temple motioned to approve this case as submitted. Ms. Susana Salcido seconded the motion. On a roll-call vote the motion carried.

CASE NO. 4

Application and appeal of Sandra Woods for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a painting business located at 1401 19th Av. SE Apt. # 6, property is located in a R-4 Multi-Family Residential Zoning District.

Ms. Sandra Woods presented this case to the Board. Ms. Woods stated she would like to have an administrative office in her home for her painting business.

Ms. Susana Salcido asked Ms. Woods what type of painting she would be doing. Ms. Woods stated she would be doing exterior painting for commercial or residential properties. She keeps all of her supplies in a storage building off site.

Chairman, Charles Taylor asked about meeting with clients and Ms. Woods replied she would meet clients at the job site.

Chairman, Charles Taylor, reminded Ms. Woods that her address could not be on any advertising and neighbors should be able to tell that a business is being ran out of her home, Ms. Woods understood.

Chairman, Charles Taylor asked for comments from the public.

Mr. Bob Sims, Building Department had no comment.

Mrs. Karen Smith, Planning Department, recommended approval.

Ms. Delayne Dean motioned to approve this case as submitted. Mr. Forrest Temple seconded the motion. On a roll-call vote the motion carried.

CASE NO. 5

Application and appeal of Latrise Jackson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an independent caregiver business located at 3216 Sandlin Rd. SW, property located in a R-2 Single Family Residential Zoning District.

Ms. Jackson presented this case to the Board. Ms. Jackson stated she would like to have an administrative office in her home for a care giver business.

Ms. Jackson stated it would be herself and her sister running the business. Ms. Jackson stated that she would be meeting her sister at the client's house so no one would be coming to her home.

Ms. Susana Salcido asked Ms. Jackson if her sister would be her employee, Ms. Jackson stated yes.

Mr. Forrest Temple asked Ms. Jackson if she would be partners with her sister, Ms. Jackson stated yes.

Chairman, Charles Taylor asked legal counsel if the partnership would make a difference on the licensing?

Mr. Chip Alexander, Legal Department, stated that since they are family that would not have any impact on the licensing.

Chairman, Charles Taylor asked for comments from the public.

Mr. Bob Sims, Building Department, had no comment.

Mrs. Karen Smith, Planning Department, recommended for approval.

Mr. Forrest Temple motioned to approve this case as submitted. Ms. Susana Salcido seconded the motion. On a roll-call vote the motion carried.

CASE NO. 6

Application and appeal of Tim Swims for an administrative decision of the Building official to construct a garage on a vacant lot, located at 3925 Fall Bluff Dr. SW, property located in a R-2 Single-Family Residential Zoning District.

Mr. Swims presented this case to the Board. Mr. Swims is requesting permission to build a garage beside the house due to there is a slope and a rock wall behind the lot/house to be built. Also, to request to build the garage before the house is built.

Mr. Forrest Temple asked Mr. Swims if he had a plan set for the house that is to be built, Mr. Swims replied yes. Mr. Swims stated the reason for building the garage first was so he would have a place to store tools while the house was being built.

Mr. Forrest Temple asked what was the need for the garage/slab to be detached from the house. Mr. Swims replied the whole slab which is there will not be used. The shop will be cut down and a porch will be added for the rest of the slab.

Chairman, Charles Taylor confirmed that the slab that is there will be used for the garage and a porch. And, that the house to be built would be beside and behind the garage. He asked if the house would meet the proper set-backs. Mr. Swims stated that the survey came back showing the build would not meet the set-backs, so a neighbor has offered to sell him thirty-five feet of his property.

Ms. Susana Salcido asked if he has secured the purchase of the extra 35 feet or if he is only close to purchasing. Mr. Swims stated he has not secured the purchase.

Chairman, Charles Taylor confirmed he has not secured the purchase of the additional property, Mr. Swims replied that was correct.

Mr. Swims inquired if the roof extended onto the house creating a breeze-way would that be considered one structure. Mr. Bob Sims, Building Department, replied yes it would be considered one structure.

Chairman, Charles Taylor asked if it was OK to have an accessory structure on the side of a house.

Mr. Bob Sims, Building Department, stated that any accessory structure would be required to be behind the house however, if the garage attaches to the house then it would not be considered an accessory structure it would be part of the main structure which then the house and the garage would have to meet the set-backs for the main structure.

Mr. Forrest Temple asked Mr. Swims if the hardship is the placement of the existing slab. Mr. Swims replied yes.

Mr. Forrest Temple asked Mr. Swims if he had considered having the slab demolished. Mr. Swims said yes, however, the slab is already there and ready to use.

Ms. Susana Salcido inquired that he was planning on building the house around the slab. Mr. Swims replied yes on the south side.

Chairman, Charles Taylor commented that the biggest concern right now is the purchase of the additional property and that it has not been secured. If the deal fell through and a variance has been granted then that would leave the city in a bind.

Mr. Swims replied he did not feel that would happen.

Chairman, Charles Taylor asked for any comments from the public.

Mr. Bob Sims, Building Department, commented that the Board needed to allow Mr. Swims time to acquire the property and come up with plans and a survey showing the lay out of the house with the garage. This would give Mr. Swims a better idea of how everything will sit on the property. At this time it is not known what any of the setbacks are going to be.

When the land is acquired and a set of plans for the house have been submitted, then permits can be bought to build the house and construct the garage. Then there won't be a need for a variance because the garage would be part of the main structure.

Mr. Sims recommends the Board should table this request and if the property is purchased and the plans for the house are submitted and meet the setbacks then this case can be dismissed next month.

Mr. Bob Sims told Mr. Swims that when he acquires the property then he would need to go before the Planning Commission to have the property subdivided.

Mrs. Karen Smith, Planning Department told Mr. Swims that the submission date was today.

Mrs. Karen Smith said she would be willing to work with Mr. Swims on the submission date depending on how quickly he can obtain the information needed to get onto the agenda for Planning Commission for November.

Mr. Bob Sims advised Mr. Swims to gather all the information mention previously showing how everything was going to be tied together. Then he would no longer need to come before the Board of Zoning and Adjustments because there would be no need for any type of variances.

Mrs. Karen Smith reiterated to Mr. Swims that Mr. Sims' suggestion would be the best option for him because it would be hard for the Board to make a decision with the limited amount of information available at this time.

Mr. Bob Sims, told Mr. Swims the key is having house plans that show the garage attached to the house. As long as he has plans which reflect that and have the property subdivided he will not need to come back before this board.

Chairman, Charles Taylor asked the Planning Department for any additional comments.

Mrs. Karen Smith, Planning Department, emphasized the consolidation and expressed that the suggestion of Mr. Bob Sims would be the best direction for Mr. Swims to go.

Mrs. Smith asked if there would be any plumbing and electric in the garage, Mr. Swims replied there would not be any plumbing and eventually he would add electric to the garage but that would be at a later date.

Mrs. Karen Smith suggested that this case be tabled for now with the limited amount of information available.

Mr. Forrest Temple motioned to table this case until the November meeting. Ms. Delayne Dean seconded the motion. On a roll-call vote the motion carried.

CASE NO. 7

Application and appeal of Experience Signs of the South for a 12 foot setback variance from Section 25-78 (d) of the Zoning Ordinance in order to install a sign, property is located at 1809 6th Av. SE in a M-1 Light Industry Industrial District.

Mr. Michael McKeon presented this case to the Board. Mr. McKeon states that a 12 foot set back variance is being requested at the Imunotek location on 6th Av SE.

Mr. McKeon states that the sign is 25 feet off the road and not 25 feet from the property line and that the property line is actually 12 feet from the road.

Mr. McKeon states the hardship for the customer would be if the sign had been placed 25 feet from the property line, the sign would be completely obstructed by the trees in the next lot.

Mr. McKeon feels having the sign located closer to the road is making it less of a safety hazard because the sign can actually be seen from the road.

Mr. Forrest Temple asked why the sign was placed in that spot to begin with.

Mr. McKeon replied it was an honest mistake. And, the office staff was unaware of all of the steps it took for placing the sign however, everyone is now aware of all of the steps and this mistake should not happen again.

Chairman, Charles Taylor asked if there were any more questions from the Board or comments from the public.

Mr. Bob Sims, Building Department, had no comment.

Mrs. Karen Smith, Planning Department, had no comment.

Ms. Delayne Dean motioned to approve this case as submitted. Mr. Forrest Temple seconded the motion. On a roll-call vote the motion passed.

CASE NO. 8

Application and appeal of Experience Signs of the South for a 12.5 square foot variance from Section 25-73 (2) of the Zoning Ordinance, in order to install a directional sign at 2828 Highway 31 South, property is located in a MC Medical Center District.

Mr. Karl Hall presented this case to the Board.

Mr. Hall asked for a variance for a directional sign for Dr. Mancusco at the Med-Surge Building. Mr. Hall described the size of the sign and a picture of the sign was presented.

Mr. Forrest Temple asked Mr. Hall what made the sign a directional sign.

Mr. Hall replied as he understood it, the sign is a way finding sign. The sign shows the name of the business and the suite number where the office is located.

Mr. Forrest Temple asked Mr. Bob Sims, Building Department, if that was his understanding of a directional sign.

Mr. Sims replied he had in mind a smaller sign which actually has directional arrows showing the way. Mr. Sims said the sign which has been presented is actually a detached sign.

Mr. Sims stated there is enough road frontage at this location that there can be more than one road frontage business center detached sign at this location, as long as the signs is not taller than 20 feet; no more than 150 square feet with a 25 foot set back, so with this in mind a variance is not needed.

Mr. Hall asked where the sign should be located. Mr. Sims replied in the original proposed spot requested.

Chairman, Charles Taylor closed any further comments and asked for a motion to dismiss this case.

Ms. Susana Salcido motioned to dismiss this case. Ms. Delayne Dean seconded the motion. On a roll-call vote the motion passed.

CASE NO. 9

Application and appeal of Experience Signs of the South for a 25 foot setback from Section 25-78 (d) of the Zoning Ordinance, in order to replace an existing pre-school sign at 1700 Carridale St. SW, property is located in a B-1 Local Shopping Business District.

Mr. Karl Hall presented this case to the Board.

Mr. Hall is representing St. Paul's Lutheran Church Pre-School to replace the existing pre-school sign with a new sign in the same location.

Mr. Hall states the existing sign has a 23 foot set back from the street. Mr. Hall states the sign that is there at this time was permitted by the city back in the year 2000.

Mr. Hall states the sign that is there now is an eyesore and does not meet specifications as permitted by the city. He is proposing a new better looking sign within the specifications allowed by the city at this time.

Chairman, Charles Taylor agrees with Mr. Hall that the new sign is much more pleasing to look at than the existing sign and he understands that with the existing set back requirements the new sign would be in the middle of the parking lot.

Chairman, Charles Taylor is concerned the old sign is installed within the right of way.

Chairman, Charles Taylor request the building department verify if the existing sign was actually approved at that time.

Mr. Bob Sims, Building Department, replied no, the sign in question was not approved to be located in the present position.

Mr. Sims said there are variances on the digital sign and the other sign located on the property.

Mr. Sims stated that sign was not approved to be located in the right of way and no permits were issued for the sign.

Chairman, Charles Taylor responded by saying that the sign in question would have to remove, being it was never permitted, and that another sign could not be placed in the right of way.

Chairman, Charles Taylor stated that if the sign was placed within the 25 foot set back there would not be a need for a variance at all. The only option would be to place the new sign on either side of the entrance at western most end of the driveway.

Mr. Bob Sims, Building Department, agrees and states that the new sign could not be place at the other end because of the digital sign already located there and any new signs need to be 100 feet away from that sign.

Chairman, Charles Taylor repeats that Mr. Hall is requesting a 25 foot setback to put the new sign back in place where the existing sign is now, Mr. Hall agrees.

Mr. Hall states that Carridale Street is a 4-lane street now and considering the properties that surround the street it would seem unlikely the street would ever be expanded.

Mr. Hall states that a light pole shown in one of the pictures is within a half-foot or so of the property line. That is why one leg of the new sign is showing outside of the right of way and the other leg is less than 4 feet into the right of way.

Mr. Herman Marks, Legal Department, interjected that this board does not have the authority to grant placing anything in the right of way, that authority goes to the city council, so the discussion needed to be changed to the placing of the new sign in another location.

Mr. Karl Hall inquired if the new sign could be turned to face the street and still be within the 25 foot set back could it then be located in that area.

Mr. Bob Sims replied that yes it could as long as it was on their side of the property line and as long as the Board decides to grant the 25 foot set back.

Mr. Sims also stated that a survey to pinpoint the exact location of the property line would be necessary to make sure the sign was legal.

Chairman, Charles Taylor asked for any other question from the board or comments from the public.

Mr. Bob Sims, Building Department, had nothing further to say.

Mrs. Karen Smith, Planning Department, asked why the sign couldn't be placed on the other side of the parking lot in the open grassy area and in conformity with the sign ordinance.

Mrs. Carol Morgan, pre-school director, replied that the Boys and Girls Club and the preschool along with the church have activities in the grassy area almost daily and just recently the Boys and Girls Club director had

inquired about having that area fenced off since children play out there almost daily and it is a safety concern. And, if a 6 foot tall fence is placed around the area the sign would be obstructed.

Mrs. Karen Smith, Planning Department, asked why an additional sign couldn't be added to the existing digital sign.

Mr. Forrest Temple inquired if she was talking about the LED sign.

Mr. Forrest Temple agreed that there is a lot of additional space on that sign.

Mrs. Carol Morgan replied that they had not considered doing that.

Mr. Bob Sims said certain conditions would have to be met if that was the direction they decided to go.

Ms. Delayne Dean asked Mr. Sims if they could add a sign to the shorter sign already there.

Mr. Sims replied that the variance granted for that sign is only for the dimensions of that sign. If the decision was made to add to the sign a new variance would have to be granted.

Mrs. Karen Smith, Planning Department asked if that was the case for either sign or just the one.

Mr. Sims replied for any sign that had been granted a variance and a change was requested to be made for that sign another variance would be needed.

Mrs. Karen Smith, Planning Department said her opinion was to find another solution before voting on this request. She would recommend to table this case also.

Chairman, Charles Taylor closed all comments and asked the Board for their ruling.

Mrs. Delayne Dean, motion to table this request until further options could be explored. Mr. Forrest Temple seconded the motion. On a roll-call vote the motion passed.

CASE NO. 10

Application and appeal of Martin Martinez for an administrative decision of the Building Official to use the property located at 1010 6th Av. SE for a general automotive retail and parts store, property is located in a RD-2 Redevelopment District-2.

This case was deferred until the November 2018 meeting by request of the applicant because of only 4 Board members present to rule on the case.

CASE NO. 2

Application and appeal of Lorrienne Curtis for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an interior design business located at 2406 Modaus Rd. SW, property is located in an AG-1 Agricultural Zoning District.

This case was called again. The Board dismissed the case because no one came forward to present the case when called.

Meeting adjourned at 5:15 p.m.

Charles Taylor, Chairman

NOVEMBER 2018

The Board of Zoning Adjustment of the City of Decatur will hold a public meeting in the COUNCIL CHAMBERS ON THE FIRST FLOOR OF City Hall, 402 Lee Street NE, on Tuesday, November 27, 2018 at 4:00 p.m. for the purpose of hearing the following applications and appeals at which time all interested parties are requested to be present and will be given an opportunity to be heard.

CASE NO. 1—Tabled from last month

Application and appeal of Tim Swims for an administrative decision of the Building official to construct a garage on a vacant lot, located at 3925 Fall Bluff Dr. SW, property located in a R-1 Single-Family Residential Zoning District.

CASE NO. 2—Tabled from last month

Application and appeal of Experience Signs of the South for a 25 foot setback from Section 25-78 (d) of the Zoning Ordinance, in order to replace an existing pre-school sign at 1700 Carridale St. SW, property is located in a B-1 Local Shopping Business District.

CASE NO. 3—Deferred from last month

Application and appeal of Martin Martinez for an administrative decision of the Building Official to use the property located at 1010 6th Av. SE for a general automotive repair, retail and parts store, property is located in a RD-2 Redevelopment District-2.

CASE NO. 4

Application and appeal of Darrin Kerby for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a handyman service located at 913 Line St NE, property is located in a R-3H Single Family Historical Zoning District.

CASE NO. 5

Application and appeal of Nell Standridge for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for estate sales located at 819 Jackson St SE, property is located in a R-3H Single Family Historical Zoning District.

CASE NO. 6

Application and appeal of Patrick H. Westmorland for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a vinyl siding business located at 1001 Skyview Dr. SW, property is located in a R-2 Single Family Residential Zoning District.

CASE NO. 7

Application and appeal of Pamela Nichols for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a cleaning business located at 307 Cherry St NW, property is located in a R-3 Single Family Residential Zoning District.

CASE NO. 8

Application and appeal of Joan Jackson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a party planning business located at 504 Lafayette St NW, property is located in a R-3 Single Family Residential Zoning District.

CASE NO. 9

Application and appeal of Jackie Letson for a use permitted on appeal from Section 25-110(a) in order to have a temporary business to sell produce at 214 6th Av SE, property located in a B-2 General Business District.

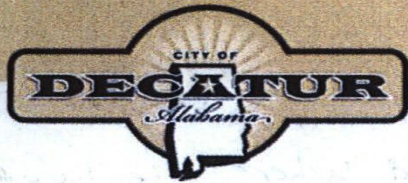
CASE NO. 10

Application and appeal of Jessica Taylor for a determination as a use permitted on appeal as allowed in Section 25-95(a) and as defined in Article IV, as amended and adopted, of the Zoning Ordinance to operate a Group Day Care Facility operating from 5:30a.m. to 5:30 p.m. located at 1008 15th Av SW, property is located in a R-2 Single Family Residential Zoning District.

CASE NO. 11

Application and appeal of Cook Museum of Natural Science for a sign variance from Section 25-77 (b)(1) to install 3 attached signs that exceed the maximum percentage per wall face at 133 4th Ave NE, property is located in a B-5 Central Business District.

- A) 9.2% variance on the East elevation (sign E).
- B) 10.7% variance on the South elevation, Section 4 (sign H).
- C) 2.06% variance on the South elevation, section 5 (signs I and J).



A Grand City on a **CHARMING SCALE**

Board of Zoning Adjustment

APPLICANT: Tim Swims
MAILING ADDR: 1244 Twin Lakes Circle
CITY STATE ZIP: Hartselle, AL 35640
PHONE: 256-227-4629

PROPERTY OWNER: Tim Swims
OWNER ADDR: 3925 Fall Bluff Dr.
CITY STATE ZIP: Decatur AL 36501
OWNER PHONE: 256-227-4629

ADDRESS FOR APPEAL: 3925 Fall Bluff Dr. Decatur AL 35601

NATURE OF APPEAL:
☐ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☒ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☒ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

*****Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

1. I am asking to build Garage on the right side of my house due to the Lot Size and lay out of the Lot. There is currently a 30x40' concrete pad already that was on the lot when I purchased it on the northern most side of the property. There is no possible way I can build the Garage (detached), or the house in front or back →

Applicant Name(print) Tim Swims
Signature [Signature]
Representative Name(print) _____
Signature _____
Date _____

If applicant is using a representative for the request both signatures are required.

Office Use
Received By [Signature]
Zone [Signature]
Hearing Date 10/30
Approved/Disapproved _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO. 1 FALL BLUFF DR SW

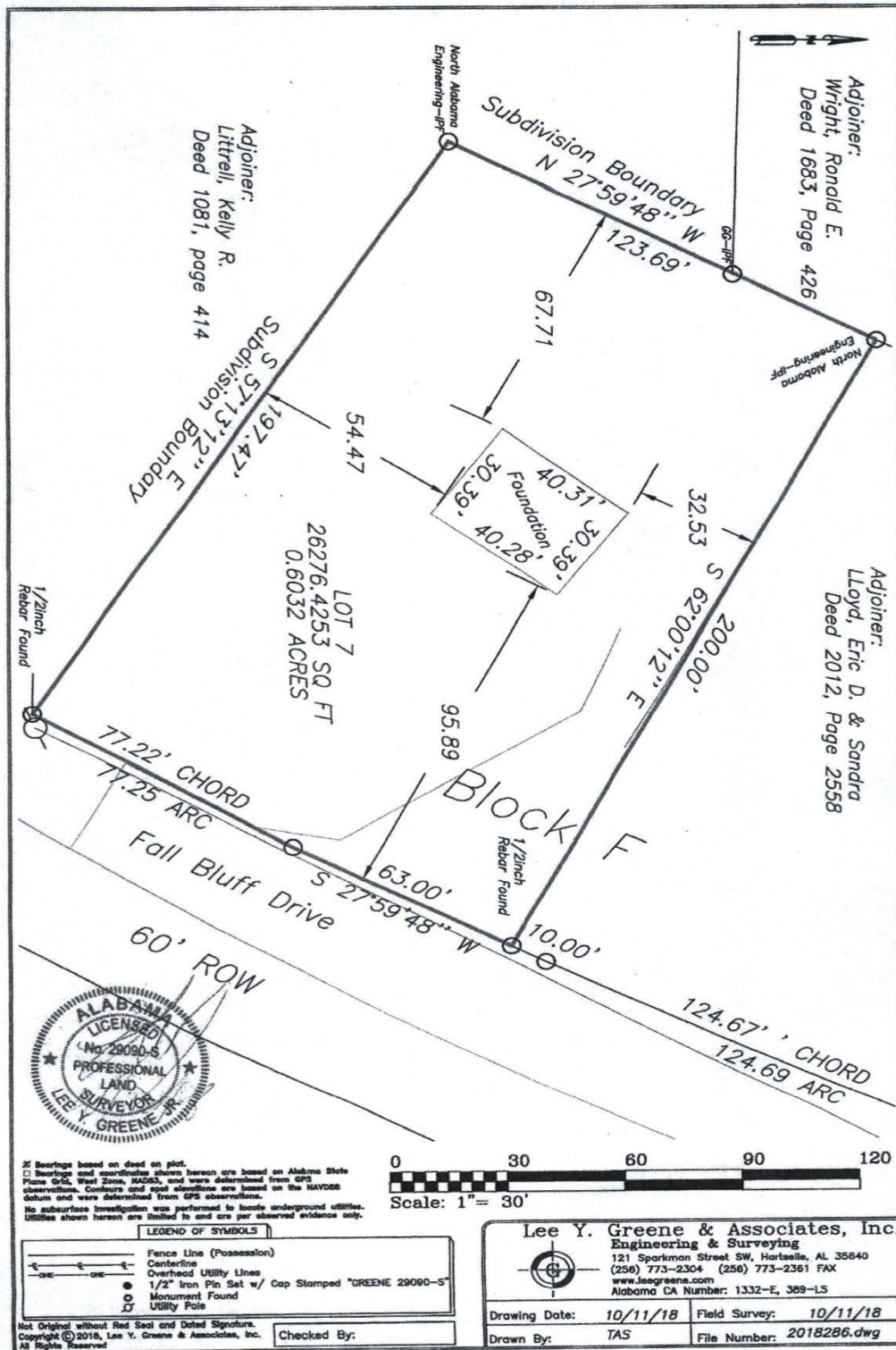
of each other due to the huge slope of the land from front to back and the Rock bluff that is behind the house, garage location. The rock bluff will be roughly 25' to 30' behind where the house will be built and is not enough room for the garage to be behind the house or would I be able to get to it with a vehicle.

② Second I would ask if I can build the garage before I build the house. I need to do this because the slab & Foundation is already there to build the garage and this will allow me to bring tools, things needed to build the house when its time and have a place to leave them inside and locked up. The other Reason is ~~because~~ I have the money to build the garage first without getting construction loan yet because we will not be ready to start building the house until after the 1st of year when we will be listing our current house for sale in the spring of 2019.

I have already approved all of this with our HOA and the neighbors and everyone is ok with us doing all of this. Several other lots are this way due to slope

I will have pictures at the meeting to help better understand situation. Thanks

#6



227-4629

SURVEY

#6

STATE OF ALABAMA)
MORGAN COUNTY)

I, Lee Y. Greene, Jr., a Registered Professional Engineer and Land Surveyor of Hartselle, Alabama hereby certify to Timothy W. & Anna P. Swims, that this survey has been completed in accordance with the requirements of the Standards of Practice of Land Surveying in the State of Alabama, and that the foregoing is a true and correct plat or map of the following real estate, to-wit:

(Source: Morgan County, Alabama Probate records, Deed 2018, Page 5591)

Lot 7, Block F, Replat of and an addition to Lake Chula Vista Estates, Decatur, Alabama, as shown by map or plat of said subdivision, on file and of record in Map Book 3 at Page 34, in the office of Judge of Probate Of Morgan County, Alabama, situated, lying and being in the City of Decatur, Morgan County, Alabama.

I further certify that there are no encroachments by buildings on the adjoining property; and that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface of the ground; there are no electric or telephone wires (excluding wire which serves the premises only) or structures of supports thereof including poles, anchors and guy wires on or over said premises, except as shown. Subsurface and environmental conditions were not surveyed or examined or considered as part of the survey. No evidence or statement is made concerning the existence of underground or overhead conditions, containers, facilities, or any historical or cultural resources that may affect the use or development of this property. The professional surveyor has made no investigation of independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on site, whether private, municipal or public owned.

According to my survey this the 12th day of October, 2018 and of the Independence of the United States of America, the 243rd year.



Lee Y. Greene, Jr. PE/PLS
Alabama Reg. No. 29090-S

Ⓜ Bearings based on deed in plat.
□ Bearings and coordinates shown hereon are based on Alabama State Plane GCS, West Zone, NAD83, and were determined from GPS observations. Contours and spot elevations are based on the NAVD83 datum and were determined from GPS observations.
No subsurface investigation was performed to locate underground utilities. Utilities shown hereon are limited to and are per observed evidence only.

LEGEND OF SYMBOLS	
---	Fence Line (Possession)
—+—+—+—	Centerline
—OH—	Overhead Utility Lines
●	1/2" Iron Pin Set w/ Cap Stamped "GREENE 29090-S"
○	Monument Found
⊙	Utility Pole

Not Original without Red Seal and Dated Signature.
Copyright © 2018, Lee Y. Greene & Associates, Inc.
All Rights Reserved

Checked By:

Lee Y. Greene & Associates, Inc.
Engineering & Surveying
121 Sparkman Street SW, Hartselle, AL 35640
(256) 773-2304 (256) 773-2361 FAX
www.lee-greene.com
Alabama CA Number: 1332-E, 389-LS

Drawing Date: 10/12/18	Field Survey: 10/11/18
Drawn By: LYG-2	File Number: 2018286.DWG

SURVEY PG. 2



PICTURE



PICTURE 2



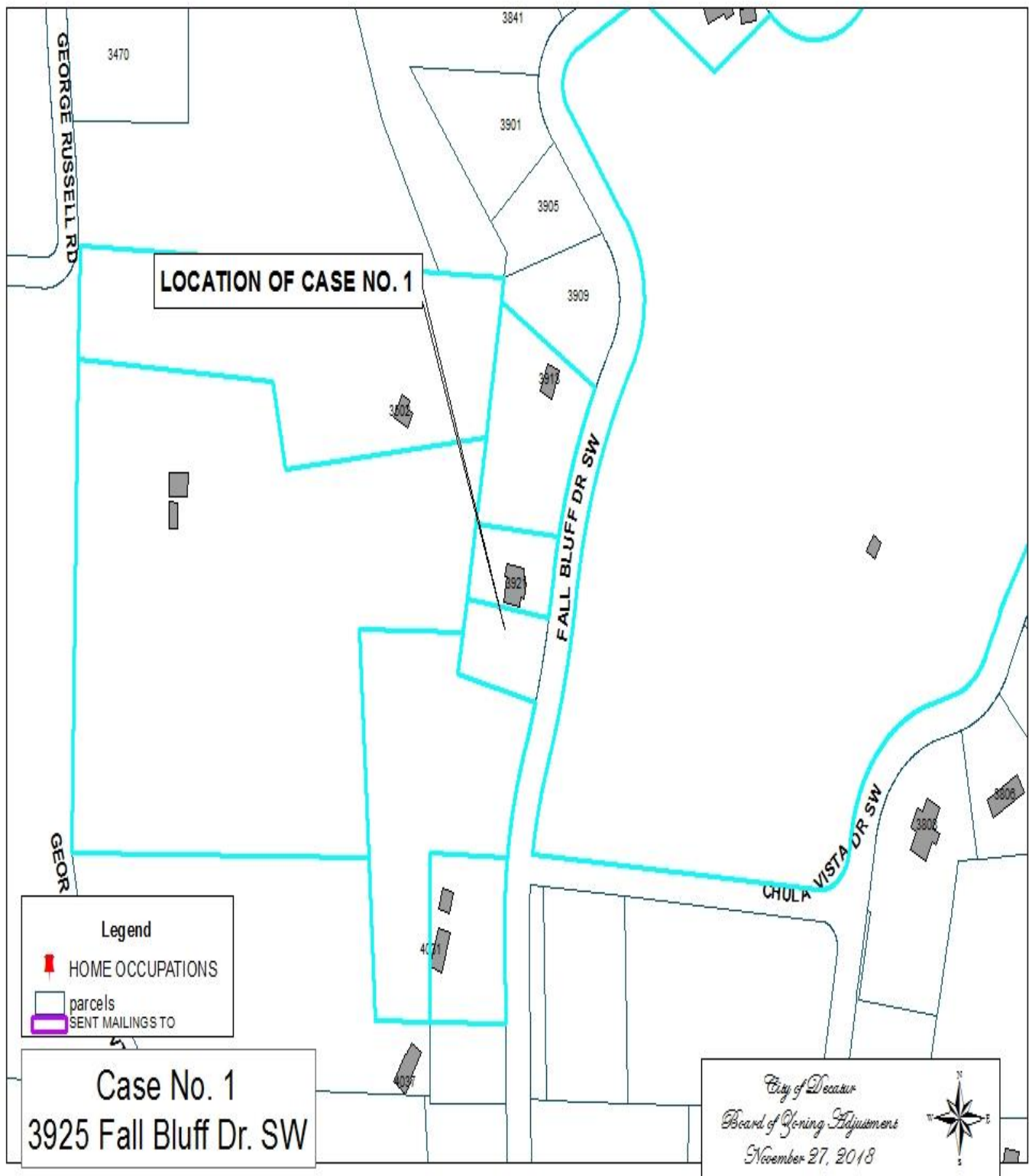
PICTURE 3



PICTURE 4



PICTURE 5



LOCATION MAP

9



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: St. Paul's Lutheran Church & Preschool

MAILING ADDR: 1700 Carridale Street SW

CITY STATE ZIP: Decatur, AL 35601

PHONE: 256-227-5156

PROPERTY OWNER: St. Paul's Lutheran Church

OWNER ADDR: 1700 Carridale Street SW

CITY STATE ZIP: Decatur, AL 35601

OWNER PHONE: 256-227-5156

ADDRESS FOR APPEAL: 1700 Carridale Street SW; Decatur, AL 35601

NATURE OF APPEAL:
☐ HOME OCCUPATION ☐ SETBACK VARIANCE ☒ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

*******Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*******

DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES, # FOR PARKING, HARDSHIP, TYPE OF BUSINESS)

We are proposing to replace our existing Preschool sign with a new one in the same location. Our new sign is 24 sq ft and a height of 72". By ordinance we are allowed 36 sq ft and 72" max height. The variance we are asking is for the setback requirement. The existing sign is setback 23 ft from Carridale Street which is where we are proposing to install the new sign. By ordinance a 25 foot setback is required. We have attached pictures of our proposed sign, the existing sign and a copy of our survey showing location of new sign.

Applicant Name(print) Carol Morgan

Signature Carol Morgan

Representative Name(print) Karl Hall

Signature Karl Hall

Date 10/8/2018

If applicant is using a representative for the request both signatures are required.

Office Use
Received By _____
Zone _____

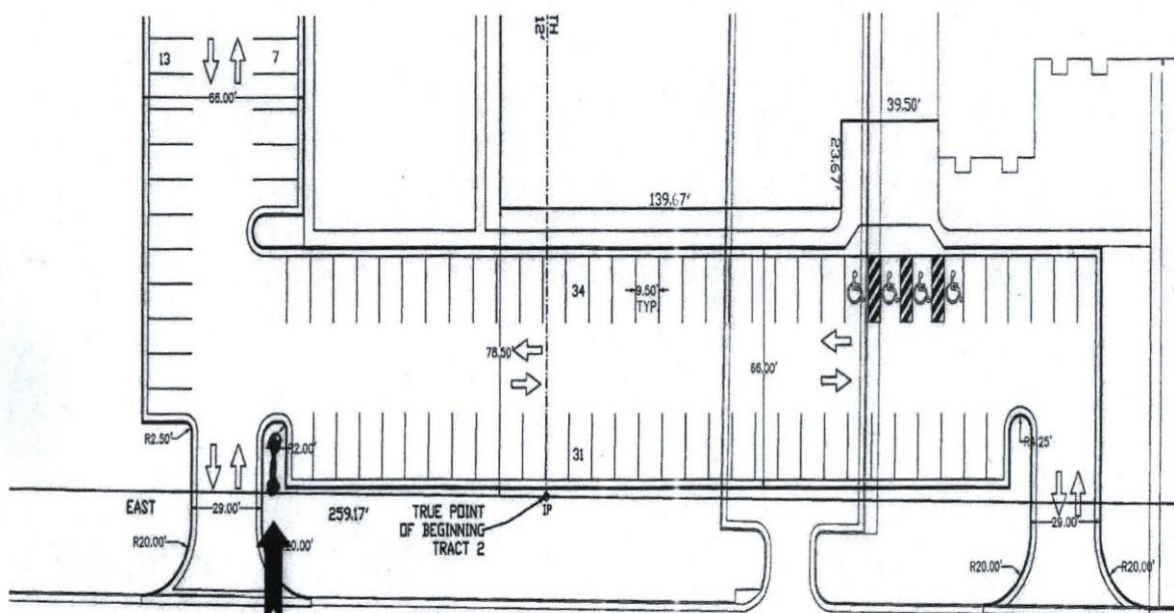
Hearing Date _____
Approved/Disapproved _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4 00 PM in the Council Chambers on first floor of City Hall Applications must be filed by the 10th of the month to be heard the last Tuesday of the month

CASE NO. 2 1700 CARRIDALE ST. SW

St. Paul's Lutheran Preschool

New Sign Location

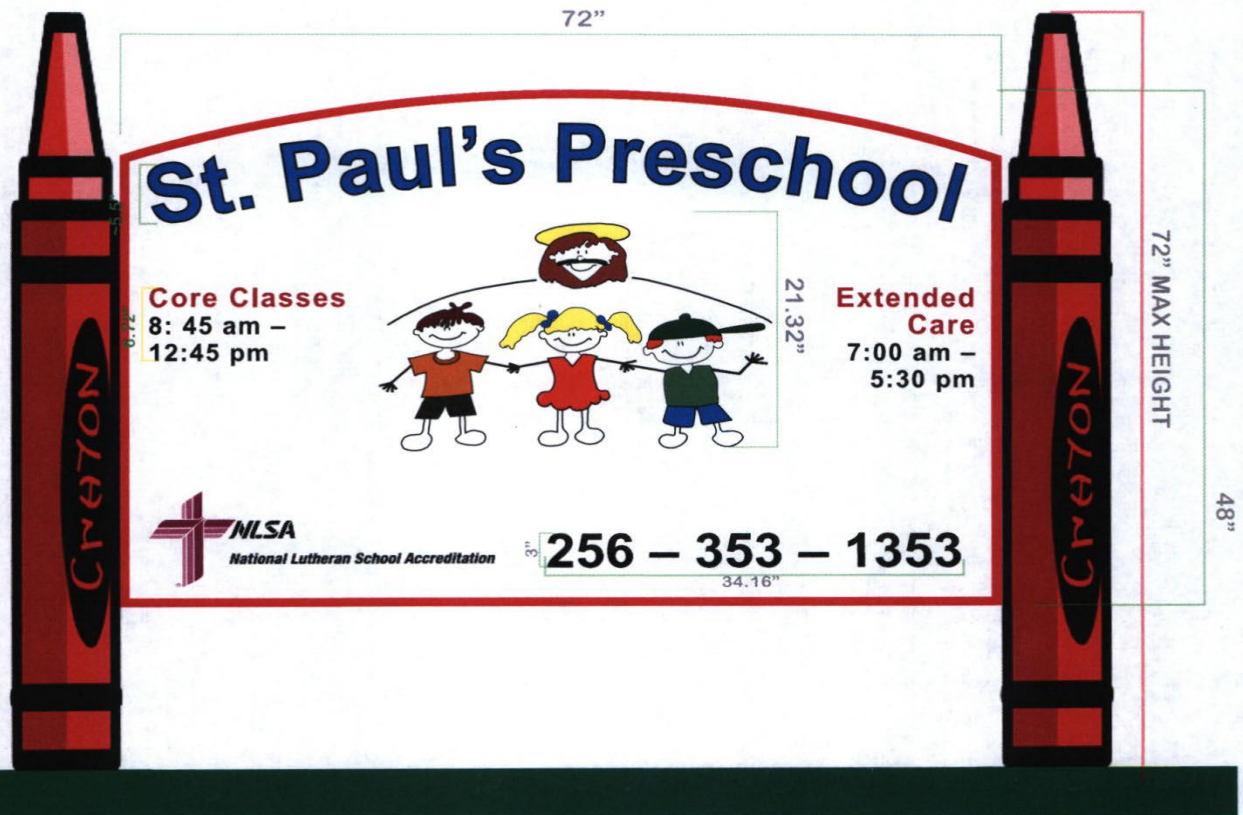


New Sign located in East Island
in the Far West Entrance

CARRIDALE STREET S.W.

NEW SIGN LOCATION

Art for Customer Approval



As an Original Design, All Rights to Reproduce, Fabricate in Whole or in Part: Remain Exclusively with Experience Signs and Signs Of The South. Artwork property of Experience Signs and Signs Of The South and cannot be reproduced in any likeness without written consent by Mike Mckee. Colors are not an Exact Match of Output Method.

Quantity: 1
Customer: _____
Square Footage: _____

ExperienceSigns.com
256-350-5795
info@experiencesigns.com
1950 Central Pkwy SW,
Decatur, AL 35601

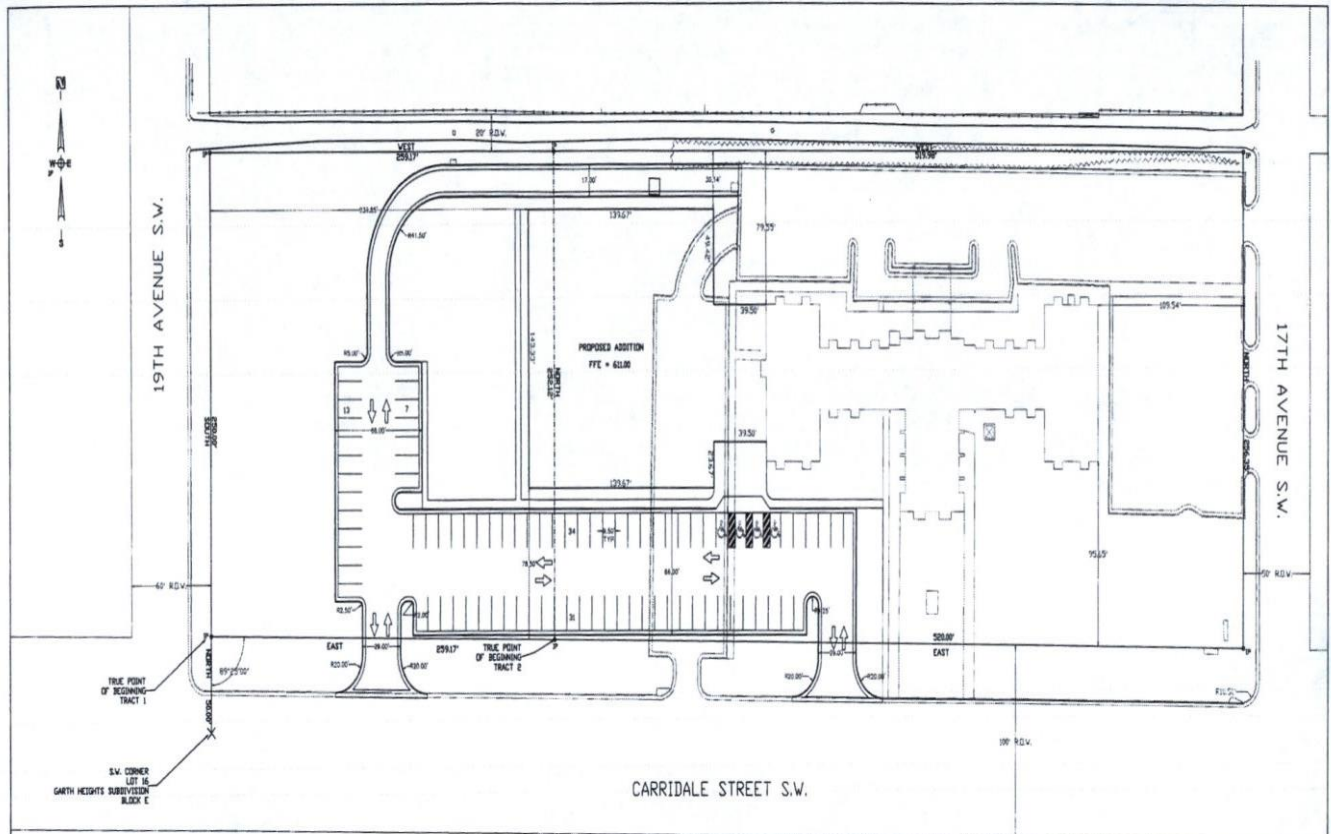
SCALE: _____
File Name: stpauls_proof.pdf

Initial and date

Created By:
JS 08/24/18

Approved By:

PROOF PICTURE



I, VILLIAM P. HARTER, JR., A REGISTERED LAND SURVEYOR OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT MAP OR PLAN OF REAL ESTATE, SITUATED WITHIN THE 25th OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 3 WEST, DECATUR, HENRY COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

TRACT 1

A TRACT OF LAND CONTAINING SEVENTY SEVEN FEET, MORE OR LESS, BOUNDED ON THE SOUTH BY CARRISDALE STREET, S.W. AND ON THE WEST BY 19TH AVENUE, S.W. AND BEING PART OF LOT 16, BLOCK C, GARTH HEIGHTS SUBDIVISION IN THE CITY OF DECATUR, HENRY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, BLOCK C, GARTH HEIGHTS SUBDIVISION, AS SHOWN BY OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF HENRY COUNTY, ALABAMA, AND RUNNING NORTH ALONG THE WEST LINE OF SAID LOT 16, A DISTANCE OF 50 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY OF CARRISDALE STREET, AND THE EAST RIGHT-OF-WAY OF 19TH AVENUE, S.W. AND THE TRUE POINT OF BEGINNING THENCE TURNING AN ANGLE OF 89°59'50" BEARING COUNTER-CLOCKWISE FROM THE BACK SIGHTED AND BEARING EAST PARALLEL WITH THE SOUTH LINE OF SECTION 25, AND ALONG THE NORTH RIGHT-OF-WAY OF CARRISDALE STREET, S.W. FOR A DISTANCE OF 290.7 FEET THENCE NORTH AND PARALLEL WITH THE WEST RIGHT-OF-WAY OF 19TH AVENUE, S.W. A DISTANCE OF 59.6 FEET, MORE OR LESS TO THE SOUTH RIGHT-OF-WAY OF THE ALLEY SOUTH OF SLATER ADDITION TO DECATUR, ALABAMA, THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY OF SAID ALLEY TO THE WEST LINE OF SAID LOT 16 AND THE EAST RIGHT-OF-WAY OF SAID 19TH AVENUE, S.W. A DISTANCE OF 290.7 FEET, THENCE SOUTH ALONG THE EAST RIGHT-OF-WAY HATCH OF 19TH AVENUE S.W. A DISTANCE OF 59.6 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

TRACT 2

A TRACT OF LAND CONTAINING SIX ACRES, MORE OR LESS, LYING ON THE NORTH SIDE OF CARRISDALE STREET, S.W. AND ON THE EAST SIDE OF 17TH AVENUE, S.W. AND BEING PART OF LOT 16, BLOCK C, GARTH HEIGHTS SUBDIVISION IN THE CITY OF DECATUR, HENRY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT THE SOUTHWEST CORNER OF LOT 16, BLOCK C, GARTH HEIGHTS SUBDIVISION, AS SHOWN BY OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF HENRY COUNTY, ALABAMA, AND RUNNING NORTH ALONG THE WEST LINE OF SAID LOT 16, A DISTANCE OF 50 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY OF CARRISDALE STREET, WITH THE EAST RIGHT-OF-WAY OF 19TH AVENUE, S.W. THENCE TURNING AN ANGLE OF 89°59'50" BEARING COUNTER-CLOCKWISE FROM THE BACK SIGHTED AND BEARING EAST ALONG THE SOUTH LINE OF SECTION 25, AND ALONG THE NORTH RIGHT-OF-WAY OF CARRISDALE STREET, S.W. FOR A DISTANCE OF 290.7 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING EAST AND ALONG THE NORTH RIGHT-OF-WAY OF SAID CARRISDALE STREET, S.W. A DISTANCE OF 59.6 FEET, MORE OR LESS TO A POINT ON THE WEST RIGHT-OF-WAY OF 17TH AVENUE, S.W. THENCE NORTH ALONG THE WEST RIGHT-OF-WAY OF SAID 17TH AVENUE, S.W. A DISTANCE OF 59.6 FEET, MORE OR LESS TO THE SOUTH RIGHT-OF-WAY OF THE ALLEY SOUTH OF SLATER ADDITION TO DECATUR, ALABAMA, THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY OF SAID ALLEY A DISTANCE OF 59.6 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST RIGHT-OF-WAY OF SAID 17TH AVENUE, S.W. A DISTANCE OF 59.6 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

THAT THE BUILDING BEING ERECTED ON SAID LOT IS WITHIN THE BOUNDARIES OF SAID TRACT, THAT THERE ARE NO ENCROACHMENTS BY BUILDINGS ON ADJACENT PROPERTY, THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, OR JOINT DRIVEWAYS OVER OR ACROSS SAID LOT VISIBLE ON THE SURFACE EXCEPT AS SHOWN ABOVE, AND THAT THE STREET ADDRESS IS 1706 CARRISDALE STREET S.W.

AND FURTHER, THAT I HAVE CONSULTED THE FEDERAL INSURANCE MAP NO. 10,000,000, EFFECTIVE MAY 2, 1999, AND FOUND THE ABOVE DESCRIBED PROPERTY IS LOCATED IN FLOOD ZONE 4 OUTSIDE THE 500 YEAR FLOOD BOUNDARY.

AND FURTHER, THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE HENRY COUNTY STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO MY SURVEY, THIS THE 20th DAY OF SEPTEMBER, 1999.



William P. Harter, Jr.
WILLIAM P. HARTER, JR.
ALA REG. NO. 3008

PUGH, MCGHEE AND ASSOCIATES, INC. CIVIL ENGINEERS P. O. BOX 2418, 35602 1760 15th AVE. SE, 35603			
OVERALL LAYOUT ST. PAUL'S LUTHERAN CHURCH WITHIN THE 25th OF SECTION 25, T3S, R3W DECATUR, ALABAMA			
DRAWN BY GCP	SCALE 1" = 50'	APPROVED BY PUGH	DATE 10/1/1999
JOB NO. 547-99	FILE NO. T-14	DESIGNED BY JAP	SHEET NO. 3 OF 6

SURVEY

St. Paul's Lutheran Church & Preschool



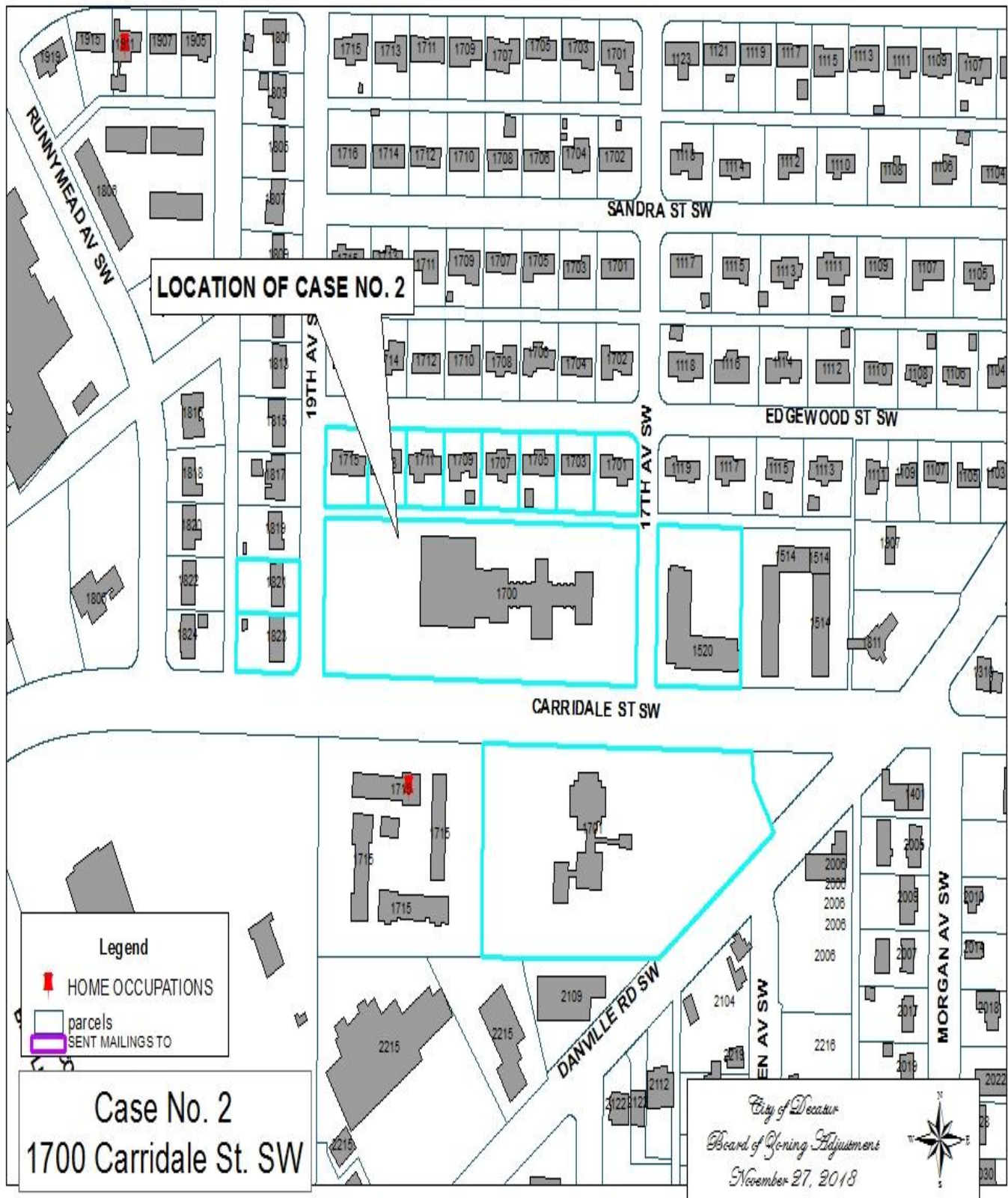
AERIAL VIEW



SIGN TO BE REPLACED



SIGN TO BE REPLACED 2



LOCATION MAP

Oct 30, 2018

4:00pm



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Martin Martinez
 MAILING ADDR: 3912 9th Av
 CITY STATE ZIP: Huntsville AL 35805
 PHONE: 256 337-4842

PROPERTY OWNER: Kathy W. Tvey
 OWNER ADDR: P.O. Box 1195
 CITY STATE ZIP: Hazard, Kentucky 41701
 OWNER PHONE: 256-438-2299 (cell)

ADDRESS FOR APPEAL: P.P. IN 11379 1010 6th Avenue SE, Decatur, AL 35601

NATURE OF APPEAL:
☐ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☒ APPEAL OF ADMINISTRATIVE DECISION
☒ OTHER Economic Hardship ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES, # FOR PARKING, HARDSHIP, TYPE OF BUSINESS)

We are requesting variance for property use due to economic hardship. The user is Martinez Garage. The use would be for a general automotive retail and parts store (NAICS code 811111). Martinez has been a well established business in Huntsville for 12 years. Several other auto-related, prospects for the building have been told that they could not locate at this location because it is zoned RD-2. This is causing an economic hardship thru loss of income to the Owner. In March of this year, the Owner's real estate agent, had a ready, willing and able tenant that was going to sign a lease in the amount of \$3,600.00 per month (nnn) (\$43,200 per year x 5 years). That's a potential \$216,000.00 that the property Owner has already lost because of the RD-2 zoning. Hertz Rental Car Company was also told that they could not use the building due to its' current zoning. The building is currently listed for \$450,000.00. That is a \$450,000.00 potential loss because of the zoning. A Meineke Car Care Center also backed out of purchasing the building. The zoning was one of the factors in their decision.

Applicant Name(print) Martin Martinez

Signature [Signature]

Representative Name(print) Paula Restrepo

Signature [Signature]

Date 10/9/18

If applicant is using a representative for the request both signatures are required.

Office Use
 Received By [Signature]
 Zone RD 2
 Hearing Date 10.30.18
 Approved/Disapproved

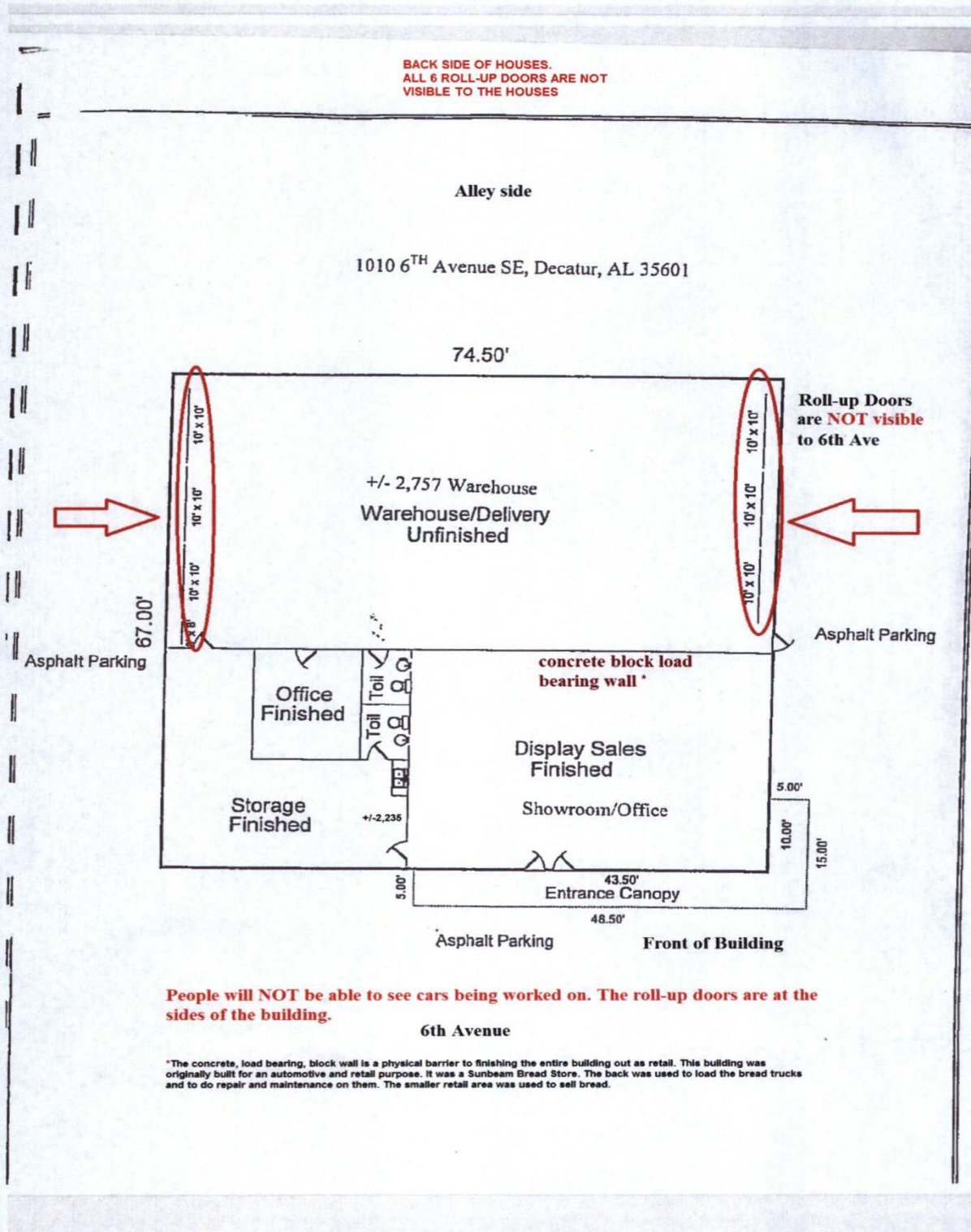
The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

Sent from my iPhone

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

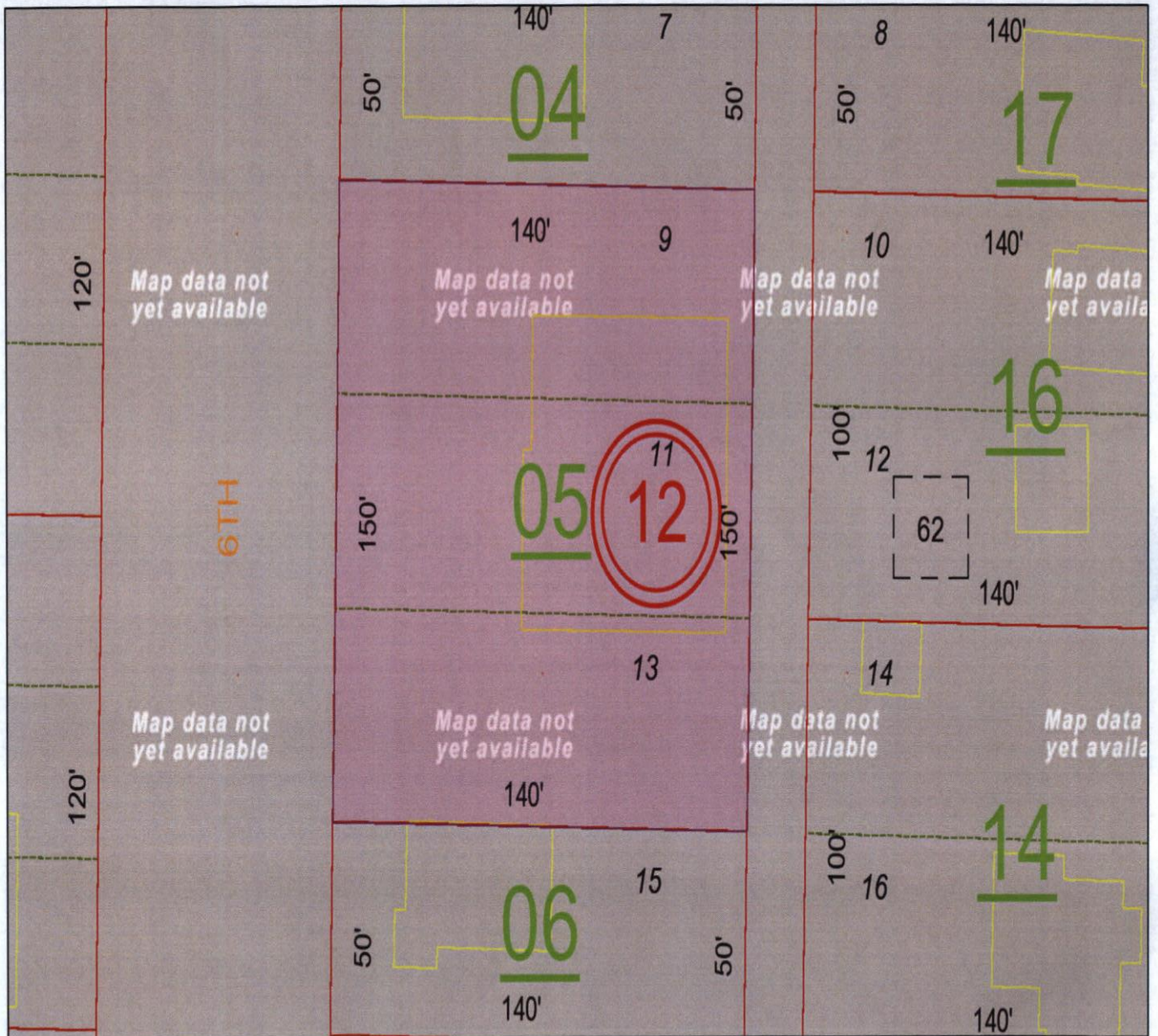
2/3

CASE NO. 3 1010 6TH AVE. SE



PROPOSED DRAWING

1010 6th Avenue Lot Size




August 28, 2018

polygonLayer

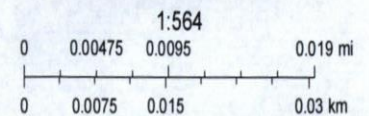
--- Lot Line

Override 1

 Building Footprint

Parcels

--- Hydro Line



KCS

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Copyright 2018

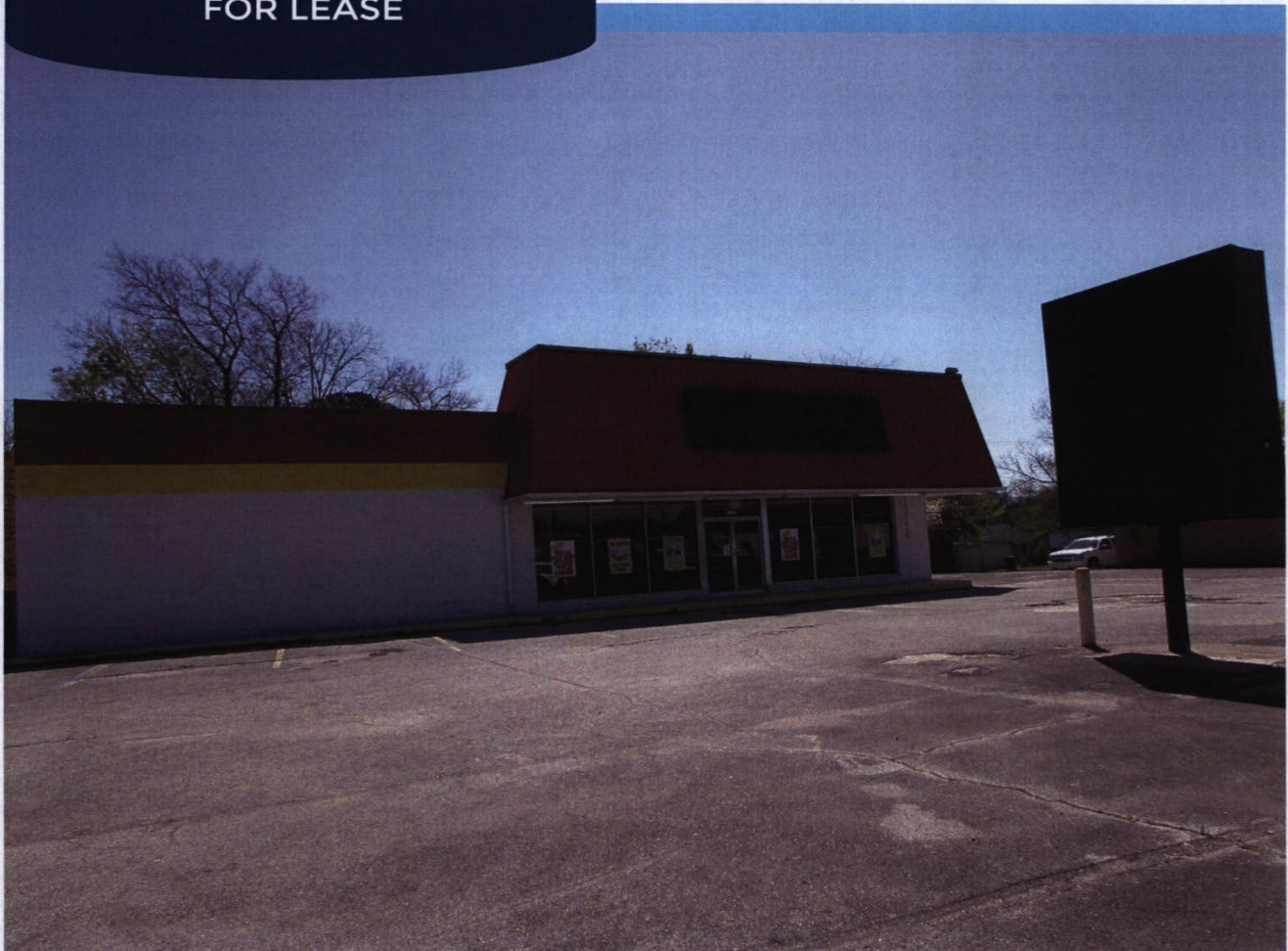
LOT SIZE

1010 6TH AVENUE
DECATUR, AL 35601

2,235 SQ. FT. RETAIL
2,757 SQ. FT. WAREHOUSE
FOR LEASE



GATEWAY
COMMERCIAL BROKERAGE



For More Information, Please Contact:

Paula Prestwood
(256) 227-1524
Salesperson
PPrestwood@aol.com

GATEWAY COMMERCIAL BROKERAGE, INC.
300 Market Street, Suite 3
(256) 355-0721
Decatur, AL 35601
www.gatewaycommercial.com

Details contained, herein, are from sources we deem reliable. However, no liability is assumed for errors or omissions. This offering is subject to change or be withdrawn without notice. All tax, legal, or financial matters, herein, should be reviewed by competent professionals.

EXISTING BUILDING

1010 6TH AVENUE

2,235 SQ. FT. RETAIL/2,757 SQ. FT. WAREHOUSE

FOR
LEASE



PROPERTY OVERVIEW

Property is +/- 4958 square feet, and includes a front retail/office area, storage room with two restrooms, and a warehouse in the back with six at-grade roll up doors. Property provides ample parking and great visibility in both directions of traffic. Average daily traffic count is +/- 30,080 cars.

SITE FEATURES

RETAIL SIZE	+/- 2,235 square feet
WAREHOUSE SIZE	+/- 2,757 square feet
ZONING	RD-2
LEASE PRICE	\$3,300/month + CAM

For More Information, Please Contact:

Paula Prestwood
(256) 227-1524
Salesperson
PPrestwood@aol.com

GATEWAY COMMERCIAL BROKERAGE, INC.
300 Market Street, Suite 3
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Details contained, herein, are from sources we deem reliable. However, no liability is assumed for errors or omissions. This offering is subject to change or be withdrawn without notice. All tax, legal, or financial matters, herein, should be reviewed by competent professionals.

EXISTING INTERIOR/EXTERIOR PICTURES



EXISTING BUSINESS IN H'VILLE



LOCATION MAP

④

Nov 27, 2018 4:00p.m.



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Tony's Home Maintenance & Repair
MAILING ADDR: 913 Line ST. NE
CITY STATE ZIP: Decatur, AL 35601
PHONE: 256-566-5465

PROPERTY OWNER: DARRIN KERBY
OWNER ADDR: 913 Line ST. NE
CITY STATE ZIP: Decatur, AL 35601
OWNER PHONE: 256-227-4742

ADDRESS FOR APPEAL: 913 Line ST. NE Decatur, AL 35601

☒ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

Handyman Service Administrative work only

Applicant Name(print) DARRIN KERBY
Signature [Signature]
Representative Name(print) _____
Signature _____
Date _____

If applicant is using a representative for the request both signatures are required.

Office Use
Received By [Signature]
Zone R-3H
Hearing Date November 27
Approved/Disapproved _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO 4 913 LINE ST NE



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

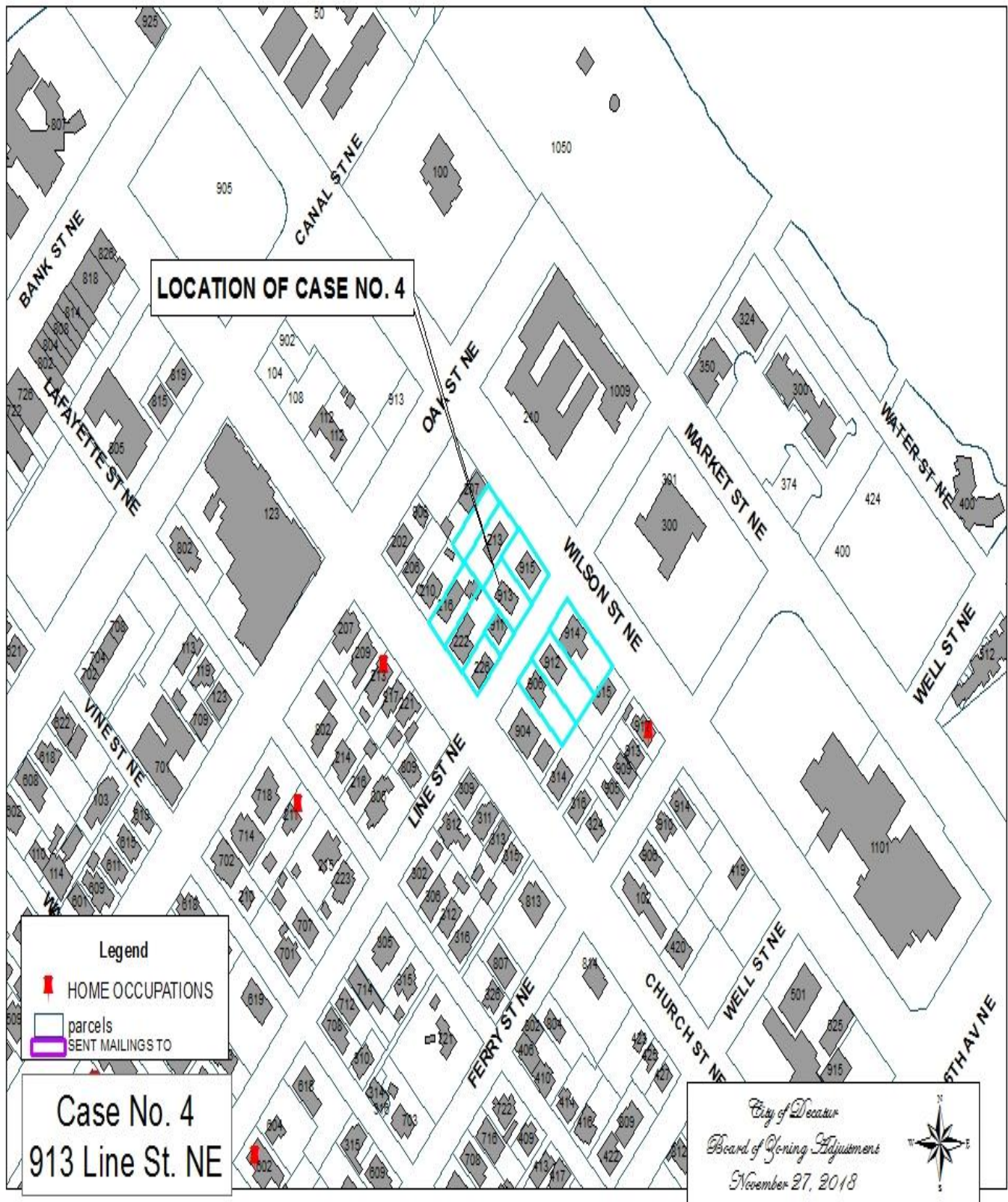
1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales party at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, FedEx, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: [Signature] DATE: 10-23-18

ADDRESS: 913 Line ST. NE Decatur, AL 35601

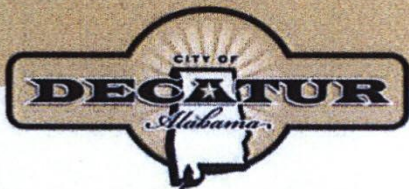
Decatur City Hall • 402 Lee Street, NE • Post Office Box 488 • Decatur, AL 35602-0488
(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE



LOCATION MAP

5



St. Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: DN + D Estate Sales (Nell STANDRIDGE)
MAILING ADDR: 819 Jackson St. SE
CITY STATE ZIP: Decatur, AL 35601
PHONE: 256-350-6836

PROPERTY OWNER: Nell Standridge
OWNER ADDR: 819 Jackson St. SE
CITY STATE ZIP: Same as above Decatur, AL 35601
OWNER PHONE: 256-350-6836

ADDRESS FOR APPEAL: 819 Jackson St. SE.

☒ HOME OCCUPATION

NATURE OF APPEAL:

☐ SETBACK VARIANCE

☐ SIGN VARIANCE

☐ USE PERMITTED ON APPEAL

☐ APPEAL OF ADMINISTRATIVE DECISION

☐ OTHER

☐ SURVEY FOR VARIANCES ATTACHED

☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

Strictly administrative ; no traffic

Estate Sales will be held off premises.

Applicant Name(print) Nell Standridge
Signature Nell Standridge
Representative Name(print) _____
Signature _____
Date 10/24/18

If applicant is using a representative for the request both signatures are required.

Office Use
Received By Cig
Zone R-3H
Hearing Date 11/27/18 4:00 PM
Approved/Disapproved _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO. 5 819 JACKSON ST SE



HOME OCCUPATION QUESTIONS

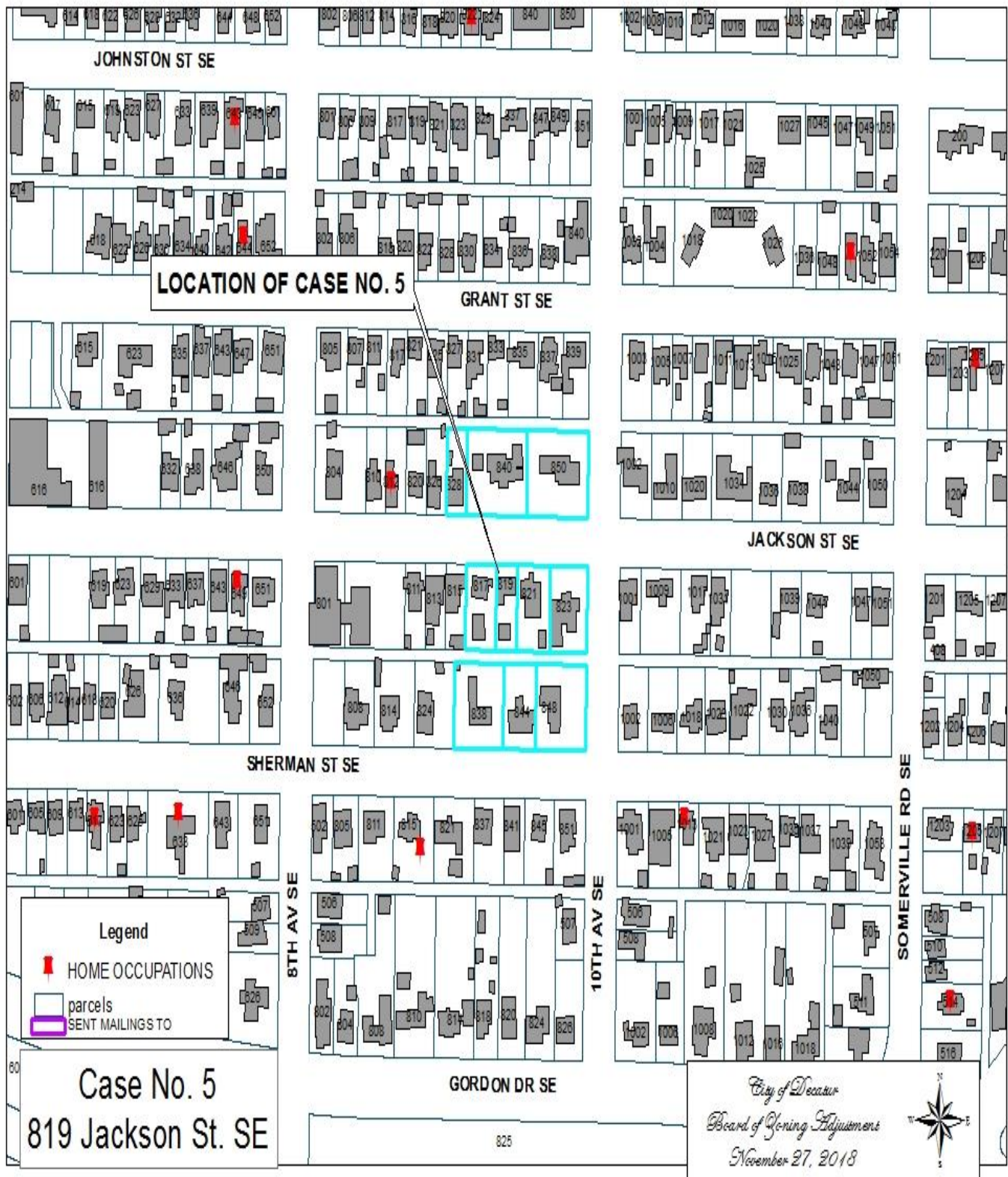
CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales party at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, FedEx, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: Neil Standridge DATE: 10-24-13
ADDRESS: 819 Jackson St S.E. Decatur, AL 35601

Decatur City Hall • 402 Lee Street, NE • Post Office Box 488 • Decatur, AL 35602-0488
(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE



LOCATION MAP

(b)

Nov 27, 2018 4:00 p.m.



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Patrick H Westmoreland

MAILING ADDR: 1001 Skyview St Sw.

CITY STATE ZIP: Decatur AL 35601

PHONE: 256-616-1462

PROPERTY OWNER: Patrick H Westmoreland

OWNER ADDR: 1001 Skyview St Sw.

CITY STATE ZIP: Decatur AL 35601

OWNER PHONE: 256-616-1462

ADDRESS FOR APPEAL: 1001 Skyview St Sw Decatur AL 35601

☒ HOME OCCUPATION

NATURE OF APPEAL:

☐ SETBACK VARIANCE

☐ SIGN VARIANCE

☐ USE PERMITTED ON APPEAL

☐ APPEAL OF ADMINISTRATIVE DECISION

☐ OTHER

☐ SURVEY FOR VARIANCES ATTACHED

☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

2 Room in home for administrative purposes for Vinyl Siding business.

Applicant Name(print) Patrick H Westmoreland

Signature Patrick H Westmoreland

Representative Name(print)

Signature

Date 11-1-18

If applicant is using a representative for the request both signatures are required.

Office Use

Received By Nancy

Zone

Hearing Date 11.27.18

Approved/Disapproved

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO. 6 1001 SKYVIEW ST. SW



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales party at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, FedEx, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED:

Patricia H. Westmiller

DATE:

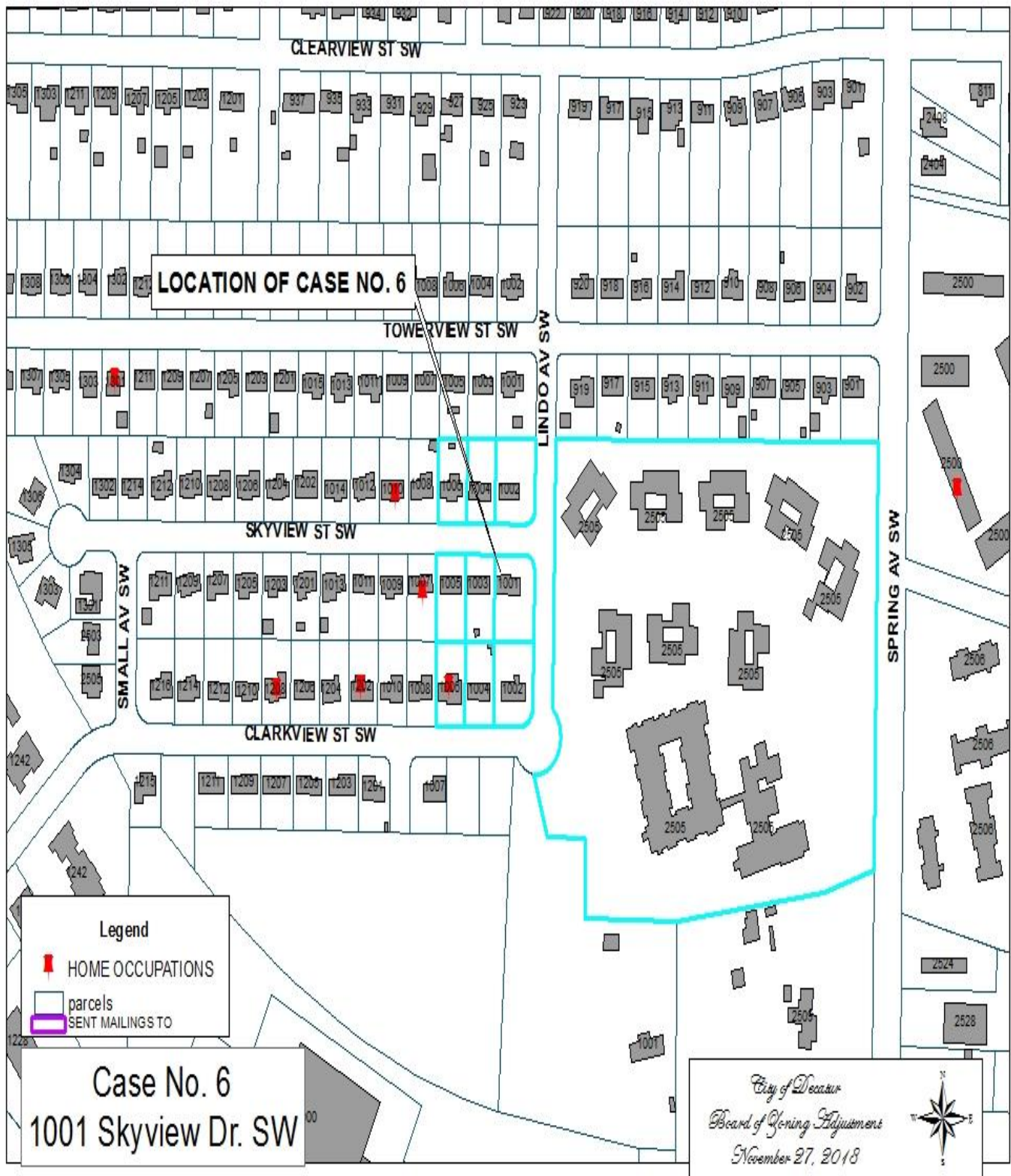
11-1-16.

ADDRESS:

1601 Skycreek St SW Decatur AL 35601

Decatur City Hall • 402 Lee Street, NE • Post Office Box 488 • Decatur, AL 35602-0488
(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE



LOCATION MAP

7

Nov. 27, 2018 4:00 p.m.



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Pamela Nichols
 MAILING ADDR: 307 Cherry St NW
 CITY STATE ZIP: Decatur AL 35601
 PHONE: 256-221-4527

PROPERTY OWNER: Pamela Nichols + Michael Nichols
 OWNER ADDR: 307 Cherry St NW
 CITY STATE ZIP: Decatur AL 35601
 OWNER PHONE: 256-221-4527

* ADDRESS FOR APPEAL: 307 Cherry St NW Decatur, AL 35601

NATURE OF APPEAL:
☒ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

I am going use one room in my home for administrative purposes for my cleaning business.

Applicant Name(print) Pamela Nichols
 Signature Pamela Nichols
 Representative Name(print) _____
 Signature _____
 Date 11-5-18

If applicant is using a representative for the request both signatures are required.

Office Use
 Received By Nancy
 Zone R-3
 Hearing Date 11.27.18
 Approved/Disapproved _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.



HOME OCCUPATION QUESTIONS

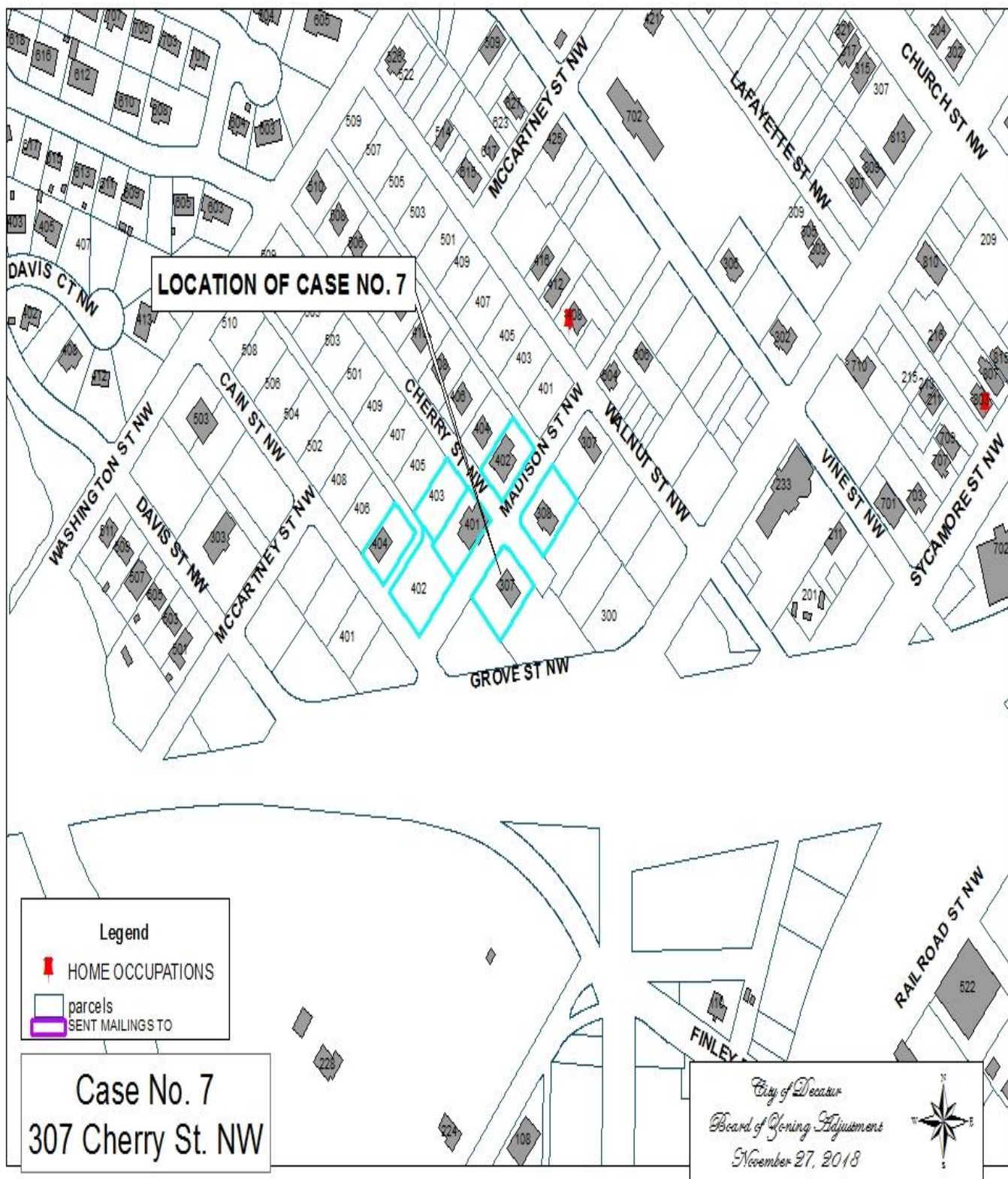
CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES ☐ NO ☒
7. Is there any increase in traffic connected with this home occupation? YES ☐ NO ☒
8. Will there be any more than one sales party at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, FedEx, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: Pamela Nichols DATE: 11-5-18ADDRESS: 307 Cherry St NW Decatur, AL 35601

Decatur City Hall • 402 Lee Street, NE • Post Office Box 488 • Decatur, AL 35602-0488
 (256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE



LOCATION MAP

8

\$250⁰⁰ due by 10th of Nov Nov. 27. 4:00pm
meeting date



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Jackie Letson
MAILING ADDR: 539 Co. Rd 245
CITY STATE ZIP: Moulton ALA. 35650
PHONE: 256-476-0398

PROPERTY OWNER: Clay Earls
OWNER ADDR: 214 6th Avenue S.E. / 2937 Frost Drive SW
CITY STATE ZIP: Decatur ALA. 35601
OWNER PHONE: 256-466-6735

ADDRESS FOR APPEAL: Decatur Bait & Tackle
-214 6th Avenue S.E. Decatur ALA 35601

Temporary seasonal Business to sell produce
NATURE OF APPEAL: At 214 6th Ave. S.E.
☐ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☒ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order
for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

Temporary seasonal Business to sell
produce At 214 6th Avenue S.E.
For 3 months

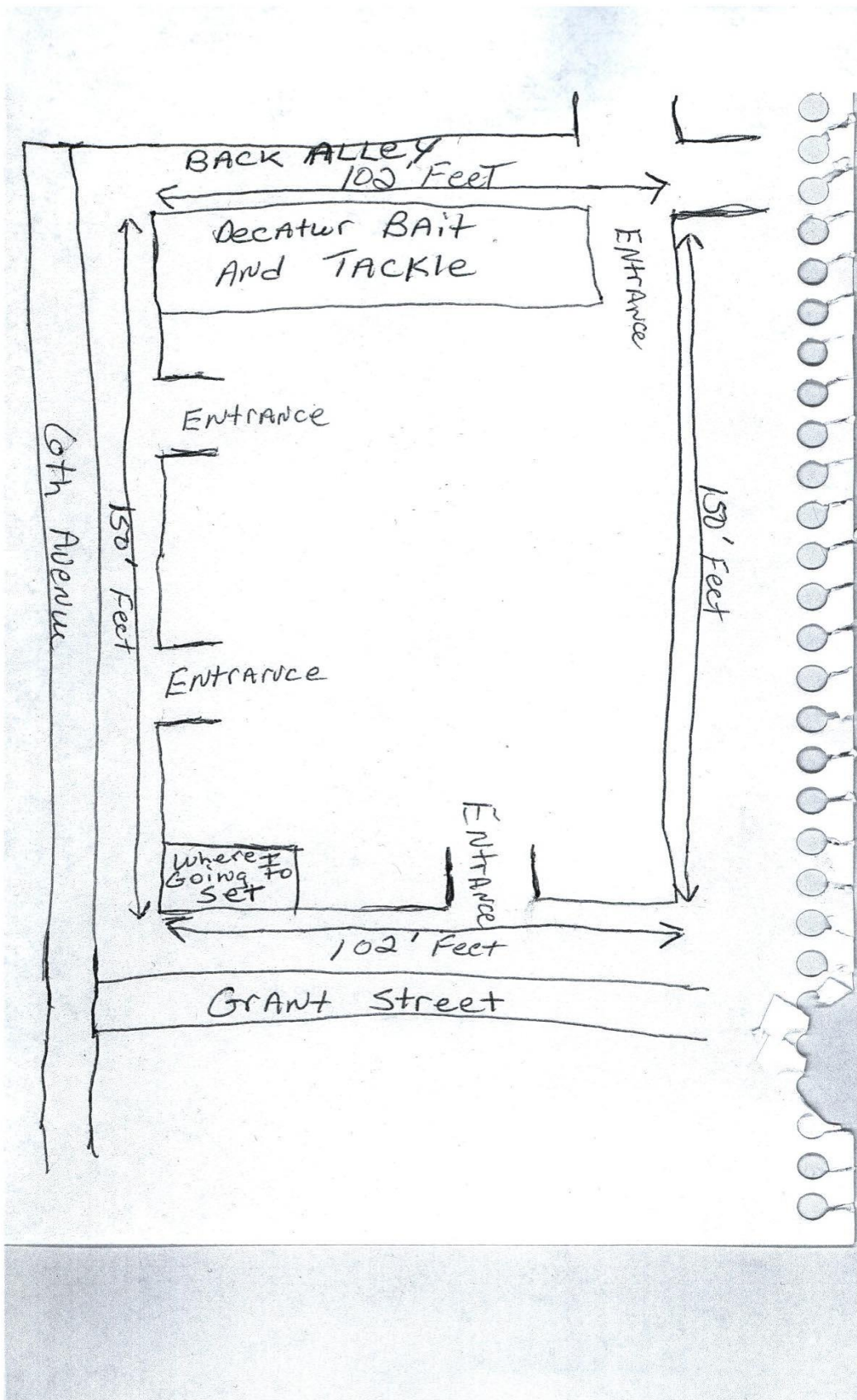
Applicant Name(print) Jackie Letson
Signature Jackie Letson
Representative Name(print)
Signature
Date

If applicant is using a
representative for the
request both signatures
are required.

Office Use
Received By Amy
Zone B-2
Hearing Date 11.27.18
Approved/Disapproved

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO. 8 214 6TH AVE.



DRAWING

2/2018

214 6th Ave SE - Google Maps

214 6th Ave SE

Decatur, AL 35601



://www.google.com/maps/place/214+6th+Ave+SE,+Decatur,+AL+35601/@34.6021831,-86.9800851,119m/data=!3m1!1e3!4m5!3m4!1s0x88628680f7b87c63:0x3c0b6a3c8231edd1!8m2!3d34.6022...

PICTURE

Google Maps 214 6th Ave SE



Imagery ©2018 Google, Map data ©2018 Google 20 ft

Location



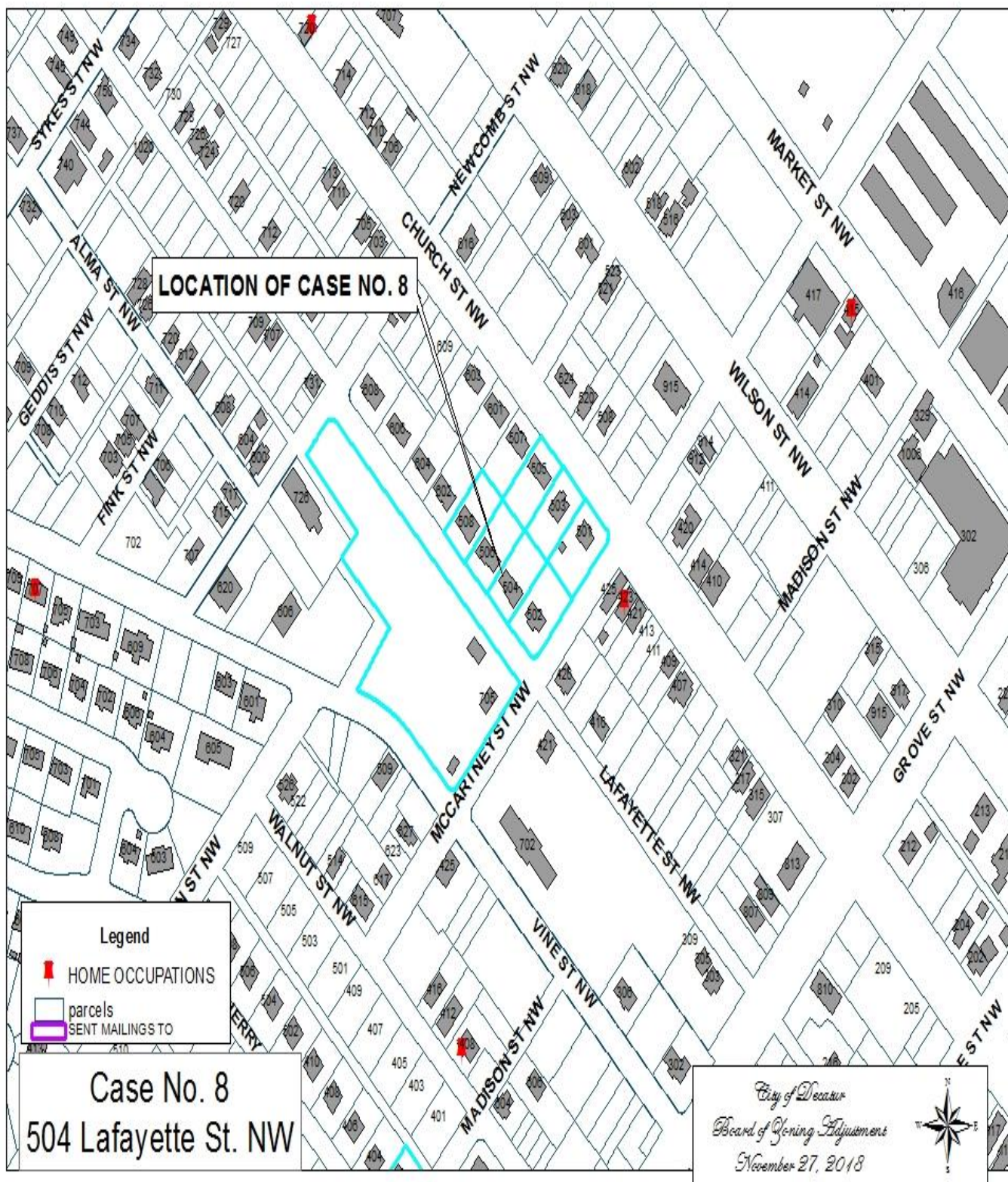
://www.google.com/maps/place/214+6th+Ave+SE,+Decatur,+AL+35601/@34.6021831,-86.9800851,119m/data=!3m1!1e3!4m5!3m4!1s0x886286807b87c63:0x3c0b6a3c8231edd1!8m2!3d34.6022...

AERIAL VIEW

10/23/18

I Clay Earls give Jackie Letson
Permission to Set on My Property
I own at 214 6th Ave S.E. &
I Give him permission to use My
Bathrooms.

Michael C. Earls - Owner
Michael C. Earls - Owner



LOCATION MAP

9



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Joan Jackson
MAILING ADDR: 504 Lafayette St. N.W. / P.O. Box 32 / 35602
CITY STATE ZIP: Decatur, Al. 35601 ✓
PHONE: 256-565-4755
PROPERTY OWNER: Joan Jackson
OWNER ADDR: 504 Lafayette St. N.W.
CITY STATE ZIP: Decatur, Al. 35601 ✓
OWNER PHONE: 256-565-4755

ADDRESS FOR APPEAL: 504 Lafayette St. N.W. ✓

NATURE OF APPEAL:
☒ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE: DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)
I want to use my home as a
Admin. office. for my party planning.
No custom at my home
Applicant Name(print) Joan Jackson
Signature Joan Jackson
Representative Name(print) _____
Signature _____
Date 11-8-2018
If applicant is using a representative for the request both signatures are required.
Office Use
Received By Cid
Zone R-3
Hearing Date 11/27/18 4:00 pm
Approved/Disapproved _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES ☐ NO ☒
3. Is there advertising on the premises or your vehicles? YES ☐ NO ☒
4. Is more than one room within the home used for the home occupation? YES ☐ NO ☒
5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES ☐ NO ☒
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8. Will there be any more than one sales party at you home per quarter related to this home occupation? YES ☐ NO ☒
9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, FedEx, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: _____

DATE: 11-8-2018

ADDRESS: _____

504 Lafayette St. N.W.



LOCATION MAP

10



CITY OF DECATUR BOARD OF ZONING ADJUSTMENT
APPLICATION FOR HOME CHILD CARE FACILITY

APPLICANT: Jessica Taylor
MAILING ADDR: 1008 15th Ave S.W.
CITY STATE ZIP: Decatur, AL 35601
PHONE: (256) 345-2425
PROPERTY OWNER: Kenneth Scruggs
OWNER ADDR: 1008 15th Ave S.W. Decatur, Alabama
CITY STATE ZIP: 35601
OWNER PHONE: 256-345-7010

ADDRESS OF APPEAL: 1008 15th Ave S.W. Decatur, Alabama

MARK CLASS OF DAY CARE YOU DESIRE: (READ ORDINANCE TO DETERMINE CLASSES)

☐ DAY CARE (6 OR LESS)

☐ NIGHTTIME HOME CARE (6 OR LESS)

☒ GROUP DAY CARE (7 TO 12)

☐ GROUP NIGHTTIME CARE (7 TO 12 CHILDREN)

DESCRIBE HOURS OF OPERATION; PARKING ARRANGEMENTS; PLAY AREA and EQUIPMENT; DO YOU HAVE FENCE, DOG, OR POOL.

Hours of operation is 5:30 AM - 5:30 PM
I have double car parking and parking next to
the side door.
I have a privacy fence and play area
no pool or dog.

Jessica Taylor
APPLICANT SIGNATURE
Jessica Taylor
PRINT NAME
DATE: 11/9/18

OFFICE USE ONLY

REVIEWED BY: C:df

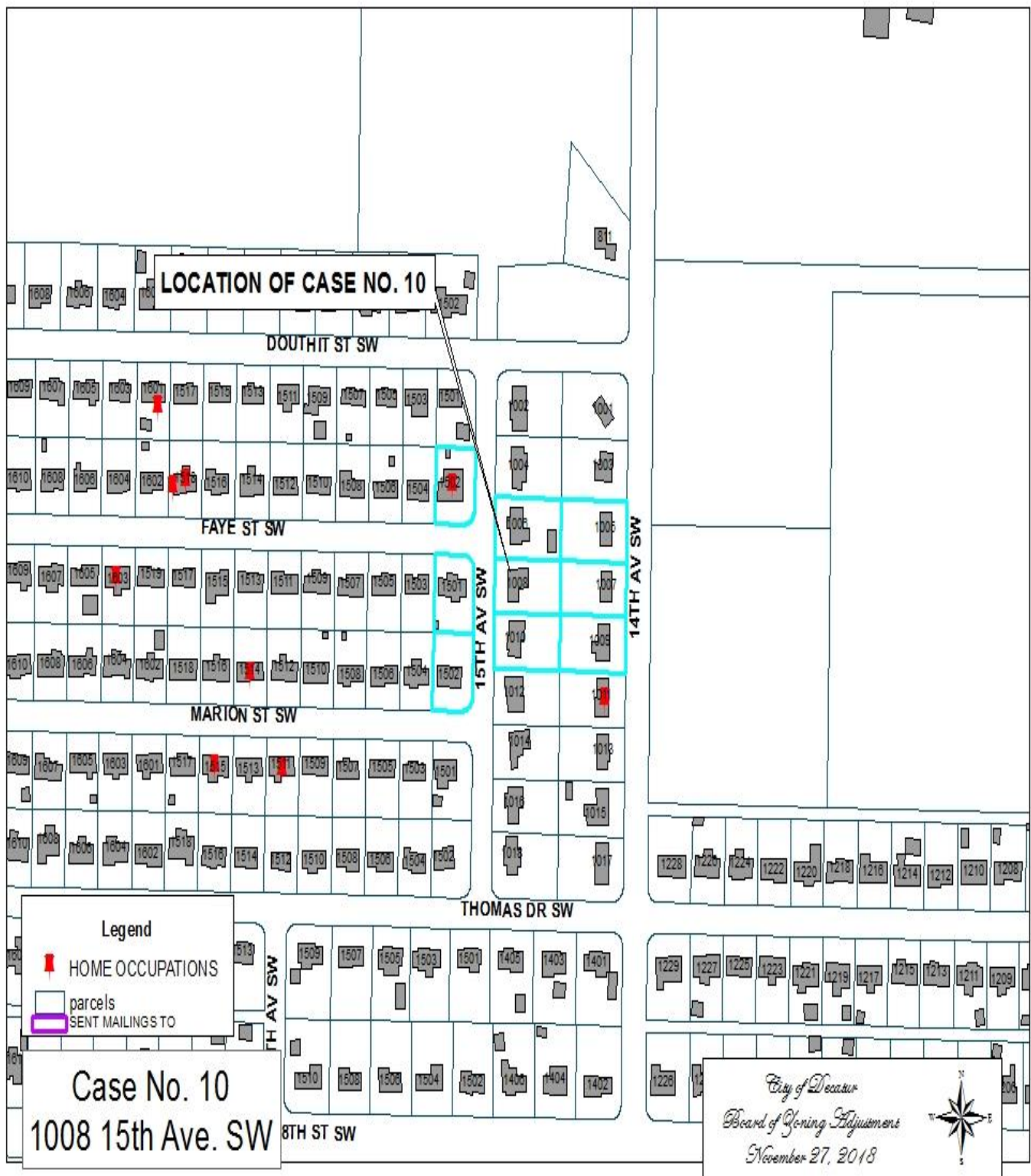
HEARING DATE: 11/27/2018 4:00 pm

ZONING DISTRICT: R-2

APPROVED/DISAPPROVED: _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10 of the month to be heard on the last Tuesday. Applicants MUST be present in order for the case to be heard. Request a copy of this application.

CASE NO 10 1008 15TH AVE SW



LOCATION MAP

11



A Grand City on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Cook Museum of Natural Science
MAILING ADDR: 133 4th Ave NE
CITY STATE ZIP: Decatur, AL 35601
PHONE: 256-898-6300

PROPERTY OWNER: Cook Museum of Natural Science
OWNER ADDR: 133 4th Ave NE
CITY STATE ZIP: Decatur, AL 35601
OWNER PHONE: 256-898-6300

ADDRESS FOR APPEAL:

NATURE OF APPEAL:
☐ HOME OCCUPATION ☐ SETBACK VARIANCE ☒ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☒ DRAWINGS FOR VARIANCES ATTACHED

*****Applicants or Duly Appointed Representative MUST be present in order for the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)

Asking for a total percentage variance for the following:
• 9.2% variance on East Elevation (sign "E")
• 10.7% variance on South Elevation, Section 4 (sign H)
• 2.06% variance on South Elevation, Section 5 (signs I and J)

Applicant Name(print) Mike Taylor
Signature [Signature]
Representative Name(print) _____
Signature _____
Date 11/9/18

If applicant is using a representative for the request both signatures are required.

Office Use
Received By Nancy
Zone B-5
Hearing Date 11.27.18
Approved/Disapproved _____

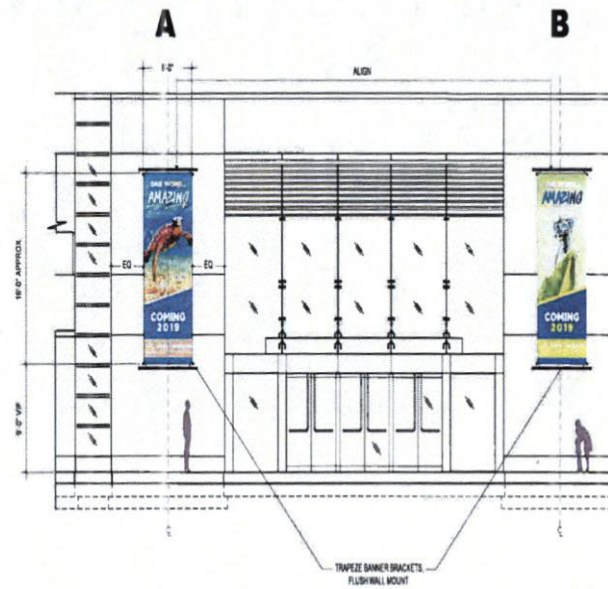
The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO 11 133 4TH AVE NE



1 Main Entrance Vertical Banners (D1 & D1.2) - Detail

Scale: 1/8" = 1'-0"



2 Main Entrance Vertical Banners (D1 & D1.2) - South East Elevation

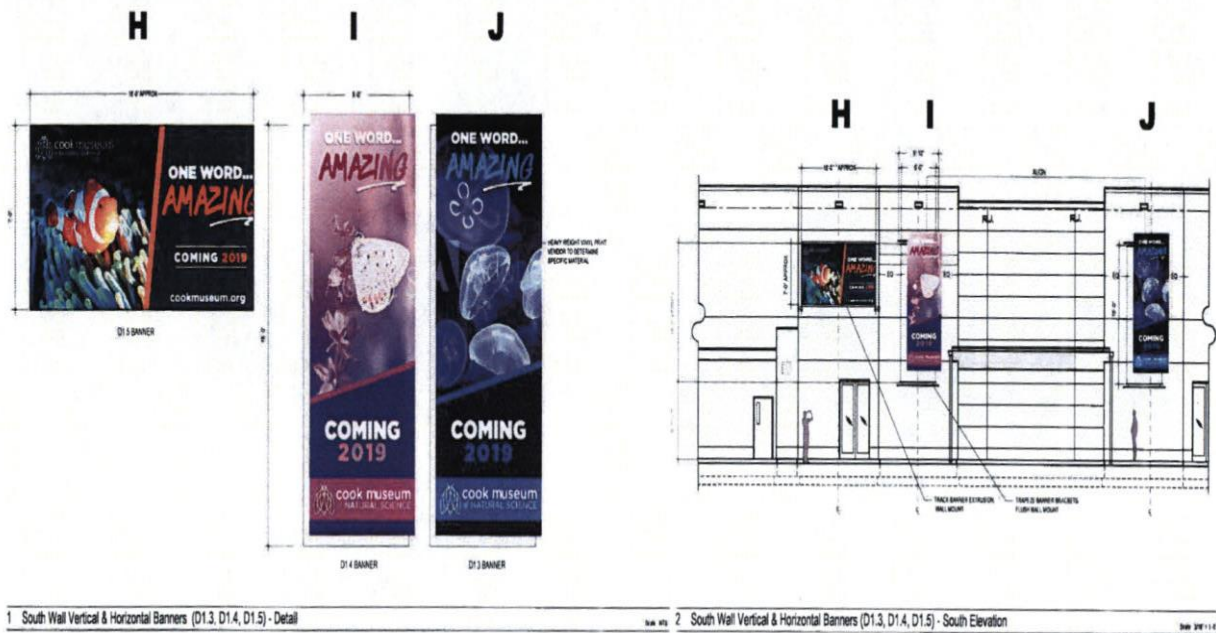
Scale: 1/8" = 1'-0"


3 Vertical Banner Mounting Hardware (D1 & D1.2) - Cut Sheets Detail

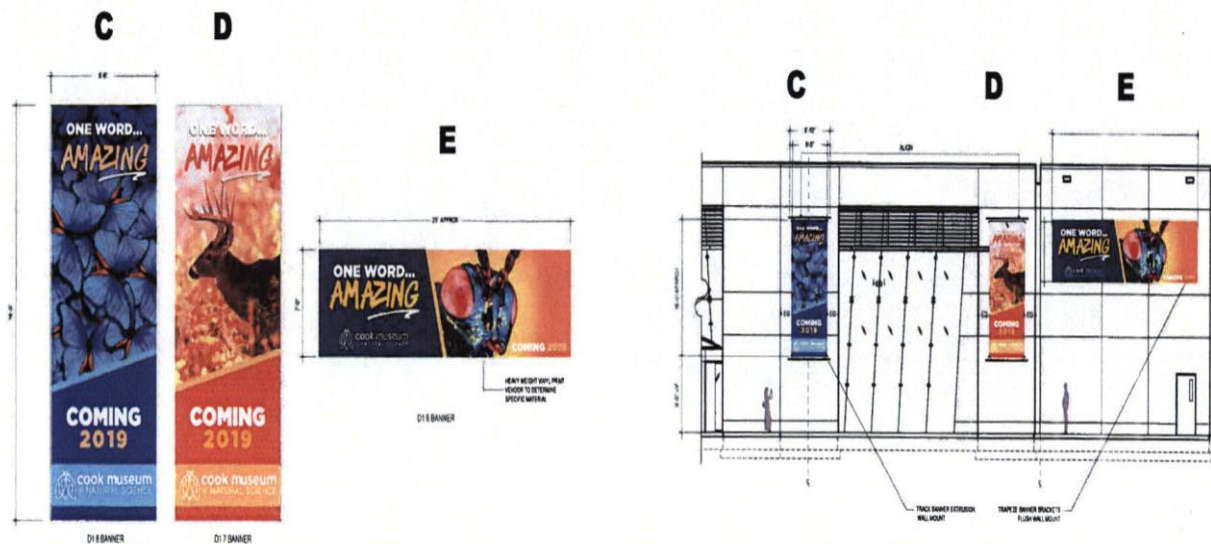
Scale: 1/8" = 1'-0"

	PROJECT ADDRESS 133 Fourth Ave. NE Decatur, AL 35601	CONCEPT 2	QUANTITY 2	PROJECT DESCRIPTION Exterior graphics & signage	PAGE DESCRIPTION Vertical & Horizontal Banners	© 2018 Steven Clifton Design. All drawings and written material appearing herein constitute original and unpublished work of the designer and may not be duplicated, used or disclosed without written consent of designer.	PHASE 2 DESIGN Design Development n2	PROJECT NUMBER 002.007.016	DATE 09.05.2018	DESIGNER SC	PAGE 2

BANNER A




3 Horizontal Banner Mounting Hardware (D1.5) - Detail					4 Vertical Banner Mounting Hardware (D1.3 & D1.4) - Cut Sheets Detail								
 cook museum COOK COUNTY MUSEUM		PROJECT ADDRESS 133 Fourth Ave. NE Decatur, AL 35601	CONCEPT 2	QUANTITY 3	PROJECT DESCRIPTION Exterior graphics & signage	PAGE DESCRIPTION Vertical & Horizontal Banners	© 2016 Steve C. Clifton Design. All drawings and written material appearing herein constitute original and unpublished work of the designer and may not be duplicated, used or disclosed without written consent of designer.		PHASE 2 : DESIGN Design Development (v2)	PROJECT NUMBER 002.007.016	DATE 09.05.2018	DESIGNER SC	PAGE 3



1 East Wall Vertical & Horizontal Banners (D1.6, D1.7, D1.8) - Detail

2 East Wall Vertical & Horizontal Banners (D1.6, D1.7, D1.8) - East Elevation

Scale: 1/8" = 1'-0"

 cook museum	PROJECT ADDRESS 133 Fourth Ave. NE Decatur, AL 35601	CONCEPT 2	QUANTITY 3	PROJECT DESCRIPTION Exterior graphics & signage	PAGE DESCRIPTION Vertical & Horizontal Banners	© 2018 Steven Clifton Design. All drawings and written material appearing herein constitute original and unpublished work of the designer and may not be duplicated, used or disclosed without written consent of designer.	PHASE 2 DESIGN	PROJECT NUMBER 002.007.016	DATE 09.05.2018	DESIGNER SC	PAGE 4
							Design Development (v2)				



PICTURE 1



PICTURE 2
70



PICTURE 3

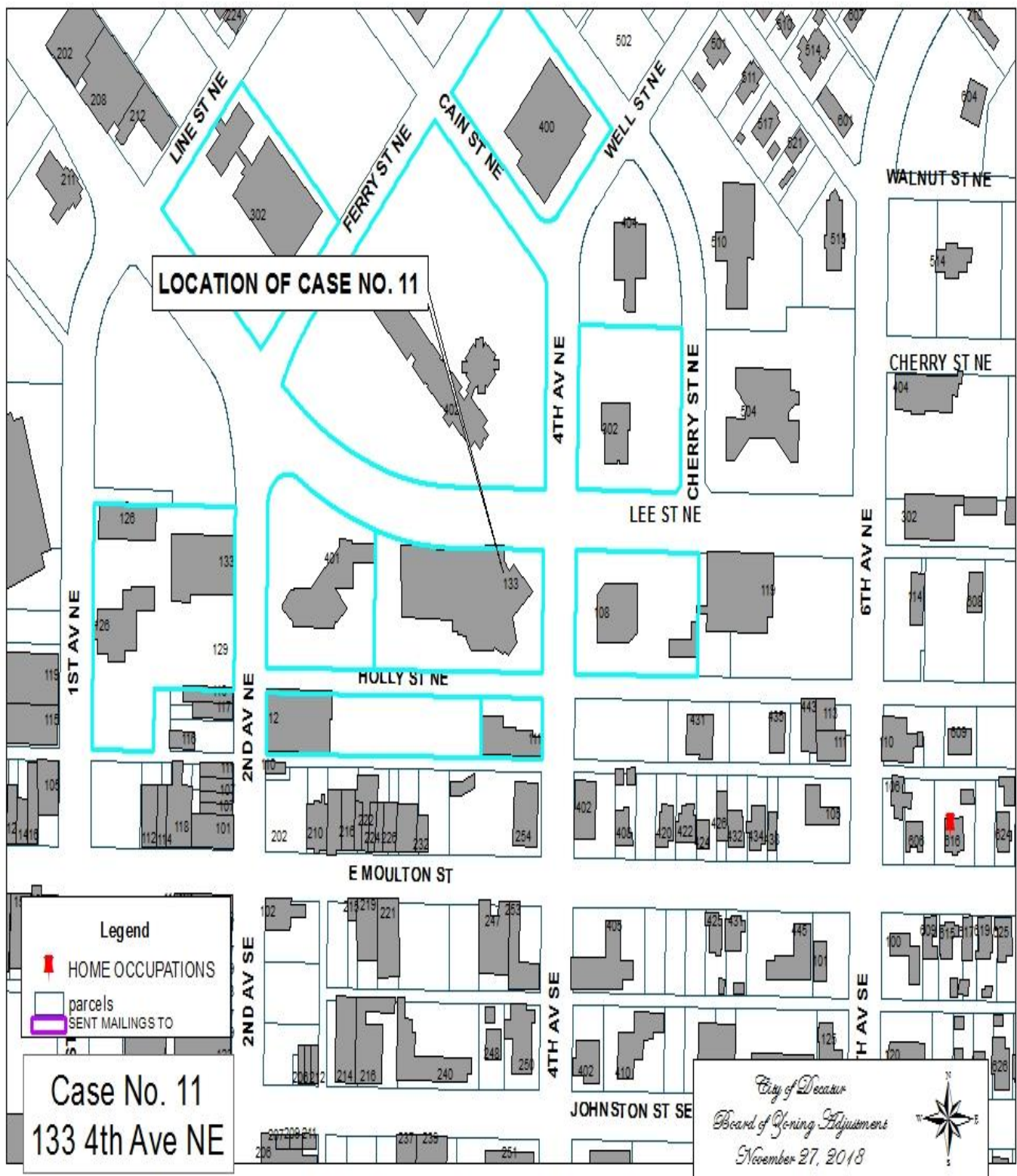


PICTURE 4

Wall Facing	Section	Wall Facing Square Footage	# of signs	Sign	Type	Signage Square Footage	Total %	Allowed Square Footage	Combined Wall Facing Sq. Ft.	Combined Sign Sq. Ft.	Combined %	Allowed (%)
Main Entrance		1932.2	2	A, B	Vertical	192	9.94%	200				10.00%
East Elevation		911.4	1	E	Horizontal	175	19.20%					
West Elevation	Section 1	887.8	1	G	Vertical	96	10.81%		2671.6	96	3.59%	
	Section 2	1783.8	0	-	-	0	0.00%					
	Section 3	888	0	-	-	0	0.00%					
Northeast Elevation		1932.2	2	C, D	Vertical	192	9.94%					
North Elevation	Section 1	1527.1	0	-	-	0	0.00%		7876.9	96	1.22%	
	Section 2	2402.3	0	-	-	0	0.00%					
	Section 3	1127.8	0	-	-	0	0.00%					
	Section 4	2819.7	1	F	Vertical	96	3.40%					
South Elevation	Section 1	4336.5	0	-	-	0	0.00%					
	Section 2	636.9	0	-	-	0	0.00%					
	Section 3	731.1	0	-	-	0	0.00%					
	Section 4	608.7	1	H	Horizontal	126	20.70%					
	Section 5	1592	2	I, J	Vertical	192	12.06%					

Vertical 6' x 16'
Horizontal 25' x 7' (East Elevation)
18' x 7' (South Elevation)

SIGNAGE DIMENSIONS



LOCATION MAP

Sec. 25-11.3. - Redevelopment District-2 (RD-2).

Upon the adoption of this ordinance, the area within the district boundaries shall be designated on the "City of Decatur, Official Zoning Map" as a "RD-2" District, and an application for specific redevelopment may be made as hereinafter set forth. This zoning district is applicable only to the east side of 6th Avenue SE and the west side of 7th Avenue SE beginning at a point where the centerline of 7th Ave SE intersects the centerline of 5th Street SE, said point being the true point of beginning of the proposed RD-2 zoning district; thence, from the true point of beginning south along the centerline of 7th Avenue SE to the centerline of 11th St SE; thence east along the said centerline of 11th Street SE a distance of 520 feet more or less to a point; thence south along an existing alley east of the Decatur Shopping Center property a distance of 1,280 feet more or less to a point; thence west along the south property line of Tax Parcel No. 03 09 29 3 002 003.000 to the centerline of 6th Avenue SE; thence north along the centerline of 6th Avenue SE to the intersection with 5th Street SE (if extended); thence east along the centerline of 5th Street SE to the intersection with 7th Avenue SE and the true point of beginning.

- (a) *Purpose:* This RD-2 (Redevelopment) District recognizes the need to redevelop the property that fronts the Sixth Ave. corridor on the east side. A majority of the area is directly across from an existing redevelopment district on the west side of 6th Avenue that has already been through this process. This district will be a mixed-use zone designed to allow property owners to maximize the use of their property through flexible development standards (e.g. amended parking, lot line setbacks and lot coverage requirements) and without having to seek a zoning change from the planning commission and the city council.
- (b) *Action taken:* There is hereby created an RD-2 Redevelopment District (mixed use district) for those areas designated by this chapter and the zoning map of the City of Decatur, Alabama. This RD-2 district shall allow mixed land uses (residential, commercial, and retail) subject to use regulations set forth in this chapter and subject to the following requirements and conditions:
 - (1) *Permitted uses:* Residential dwellings, with the exception of mobile homes, condominiums, and apartments, those uses permitted in all "R" districts.

Retail and commercial trade including the following types: food, bakery, delicatessen, general merchandise, apparel, furniture, household and hardware, electronic sales, drug and sundries, jewelry and gifts, florists, sporting goods, antiques, appliances, hobby supply, home medical equipment, office supply, bookstore, camera and photographic supplies, fabric store, music store and other uses of similar types.

Service oriented facilities including the following types: federally insured banks, credit unions, savings and loans; financial institutions licensed under Mini Code or the Small Loans Act; hair salons, professional clinics (dental or medical), computer stores, interior decorating shops, neighborhood retail, professional offices, opticians, photographic studio, picture framing, restaurants, fast food restaurants, shoe repair, dry cleaning and laundry pickup stations, and other uses of similar types.

On and off premise sale of alcoholic beverages: Off premises sale of beer and table wine; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in, and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant.

- (2) *Uses permitted on appeal:* Churches, public buildings including libraries, public utilities; semi-public buildings including governmental offices, municipal, county, state and federal buildings; music, dance, art and martial art studios, public/private schools, parks and playgrounds, police and fire stations.
- (3) *Uses Prohibited:* Lumber yards or mills, mobile home sales, mobile home parks, stockyard (live animal or poultry sales), junkyards, sexually oriented businesses; hotels, motels, light manufacturing operations, mini storage and warehouse buildings, billboards, businesses licensed under the Deferred Presentment Services Act, Pawn Shops Act, Dealers in Gold or Precious Items Act and other uses found to be of an objectionable nature by reason of dust, smoke, vibration, noise, odor, extended operating hours, or inconsistent with the general welfare of the district as determined by the chief building official.

- (4) *Minimum lot size:* It is the intent of this ordinance that lots of sufficient size be used for any development to provide adequate parking and loading and unloading space in addition to the spaces required for normal operation and to meet the landscaping requirements of this section.
- (5) *Minimum yard size:*
 - Front yard:* Lots facing Sixth Avenue (U.S. Hwy 31), shall be required to have a minimum twenty-five-foot setback.
 - Rear yard:* None—Except a landscaping buffer berm, twenty (20) linear feet in width, (as described in section 25-11.3.(11).D) required for all properties contiguous with 7th Avenue SE.
 - Side yard:* Lots adjoining residential along its side lot line shall be required to have a side yard of not less than eight (8) feet. Lots contiguous with side streets shall provide frontage landscaping as defined in section 25-16 (9)(f) of the Zoning Ordinance of the City of Decatur.
- (6) *Maximum building area:* The maximum building site coverage by all structures shall be fifty (50) percent.
- (7) *Maximum height:* Buildings heights close to 7th Avenue SE should be 1 to 1-1/2 stories up to a maximum of 2 stories along 6th Avenue SE.
- (8) *Off-street parking:* Not specified, but all parking must be contained on the property site, or on adjacent property (may be separated by an alley), or with a shared parking agreement with an adjoining property owner. All parking lots shall be paved and striped.
- (9) *Off-street loading:* Shall provide space for loading and unloading on the property site.
- (10) *7th Avenue SE Access.* There shall be no ingress from, or egress to, 7th Avenue SE for any new development. All development shall be designed to front 6th Avenue SE. Access for development to 6th Avenue SE and adjoining side streets shall be limited based on ALDOT Access Management Guidelines and approved by the City of Decatur and ALDOT (the only exception will be for those properties on the west side of 7th

Avenue between 10th and 11th Streets SE. They shall be allowed access to 7th Avenue for development if they do not include any property west of the existing alleyway or property contiguous to 6th Avenue).

- (11) *Landscaping and lighting:* Landscaping and lighting criteria are hereby established to protect and preserve the appearance and value of surrounding properties. All landscaping plans shall be designed, stamped and sealed by a registered landscape architect of the State of Alabama.
- a. All development, with the exception of single family residential, will be required to provide frontage landscaping (as defined in section 25-16(9)(f) of the City of Decatur Zoning Ordinance), foundation landscaping and perimeter landscaping (as defined in section 25-16(9)(g) and (h) of the City of Decatur Zoning Ordinance). All development landscaping shall be irrigated with an irrigation system.
 - b. All development adjacent to residential property shall provide perimeter landscaping within the property lines between the off-street parking area and adjoining properties of not less than five (5) feet in depth, or
 - c. All development adjacent to residential property shall provide a solid fence or wall. The fence shall be a minimum of six (6) feet high. Chain link or other wire fencing material is prohibited.
 - d. All development that has a property line contiguous with 7th Avenue SE shall provide a rear landscaping buffer berm of not less than twenty (20) linear feet in width and four (4) linear feet in height as measured from the finished floor elevation of the proposed development. The buffer berm shall run the full length of the property along 7th Avenue and shall be designed to create a continuous opaque screen within two (2) years of planting and should be planned for low maintenance. The buffer berm shall be a maximum 3:1 slope with a four-foot retaining wall and a minimum seven (7) linear foot planting area at the top of the berm. The buffer berm shall be designed and located as shown in the cross section of Figure A. The retaining wall shall be constructed for the full length of the property with one (1) column every fifty (50) linear foot. The retaining wall may be constructed from stone, brick, or any similar

masonry material. Construction material for the retaining wall shall be shown on the landscaping plan. Wood materials are not permitted for construction of the retaining wall.

The buffer shall consist of a four-foot-tall berm with a minimum of one screening tree every ten (10) linear feet and one (1) evergreen shrub per two (2) linear feet. All required plants shall be arranged in such a manner so as to provide a variety of plant materials, locations and spacing. Staggered spacing, double rows, or alternating spacing may be adjusted to conform to the growth characteristics of a plant species, but spacing and selection shall result in a one hundred (100) percent opaque screen at a minimum eight (8) feet in height within two (2) years of planting. Single row spacing with one (1) tree species is not permitted. A quarter of the trees may be deciduous shade trees and the remainder shall be evergreen and reach a minimum height of fifteen (15) feet at maturity. Minimum evergreen trees at time of planting shall be at least six (6) feet in height and three (3) feet in crown width. Minimum deciduous tree size shall be ten (10) feet in height and two and one-half (2½) inches in diameter measured one-half (½) foot above grade at time of planting. Minimum size at time of planting of screening shrubs shall be two (2) feet in height and spread at time of installation. Appropriate ground cover plantings or erosion control netting shall be used for naturalizing and controlling soil erosion on the sloped berm.

If the lot is on a corner, the landscaping buffer berm shall be sloped and transition into the perimeter landscaping. Planting shall not interfere with the sight triangle at street intersections or ingress and egress to the property.

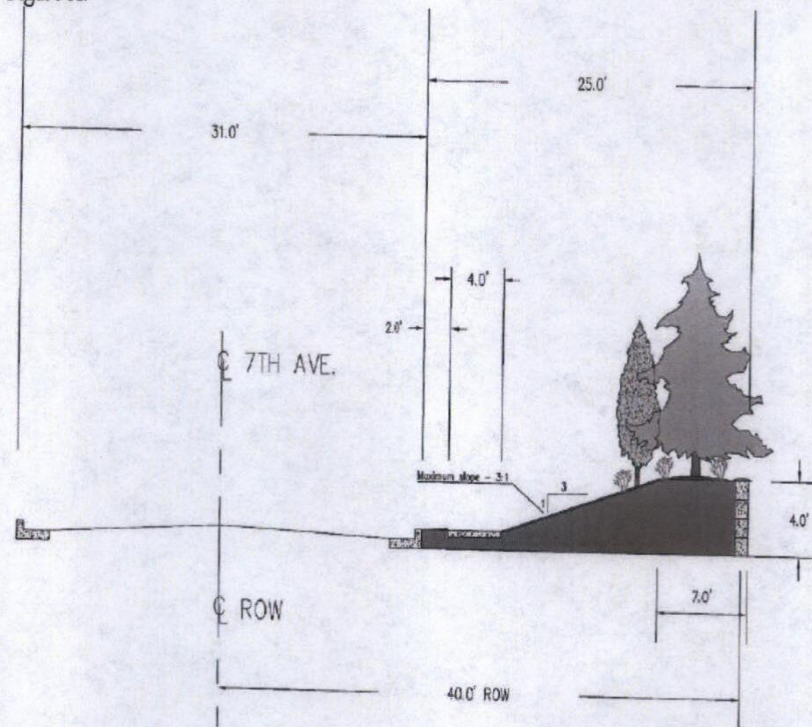
Where mature canopy/screening trees are located in the right-of-way of 7th Avenue SE, the developer may be allowed to construct a minimum six (6) foot high buffer fence in lieu of, or in conjunction with, the twenty (20) linear foot buffer berm. The fence/berm shall be constructed for the full length of the property with one (1) column every fifty (50) linear feet where a buffer fence is in place. The fence shall be constructed from stone, brick, or other masonry

material approved by the City of Decatur Planning Department. Wood materials are not permitted. The fence design, type and location, additional screening trees and shrubs shall be shown on the site plan and must be approved by the City of Decatur Planning Department. An arborist will be required to certify the health of the existing trees.

The purpose of the buffer berm is to create a continuous opaque screen along 7th Avenue SE so that no parking lot, dumpster or loading area is visible from the adjoining properties.

The buffer berm shall be maintained by the property owner out to the street curb.

Figure A:



- e. All development that has property contiguous with side streets shall provide frontage landscaping as defined in the City of Decatur Zoning Ordinance section 25-16(9)(f).

- f. Sidewalks shall be constructed along all abutting streets and/or replaced if damaged during construction development.
- (12) *Lighting.* Shall be in compliance with section 25-16(9)(o) of the City of Decatur Zoning Ordinance or as deemed necessary for the welfare and safety of the citizens of Decatur. Lighting on 7th Avenue frontage shall be limited in height to twenty (20) feet to reflect a more residential scale. Lighting shall be directed toward the building development in a way that does not adversely impact adjacent residential properties. Lighting should be consistent with building design.
- (13) *Signage.* All signage shall comply with section 25-77(f) of the Code of Decatur and shall be subject to review and approval by the city building department.
- (14) *Application and approval process:*
 - a. *Approval required.* Planning commission site plan approval is required for all new development or new construction and prior to the issuance of any related building permits in the Redevelopment District.
 - b. *Content of application.* Each application for development located in the Redevelopment District shall be drawn and stamped by a registered civil engineer of the State of Alabama and include the following information:
 - 1. The name, address and phone number of the property owner and applicant.
 - 2. The legal and general description of the tracts or lots on which review is sought.
 - 3. A statement of proposed use.
 - 4. A complete site development plan drawn to a scale of no less than 1" = 50' indicating:
 - a) Dimension and footprint of all existing or proposed buildings, existing utilities and easements, access drives, parking areas, loading and unloading areas, if applicable.
 - b)

Dumpster location. All dumpsters shall be enclosed, covered, positioned and shown on the site plan for Planning Commission approval.

- c) Landscaping, fencing, lighting and irrigation plans, drawn and stamped by a registered Landscape Architect of the State of Alabama.
- d) Signage plans.

Note: When construction or demolition of a structure, excavation work, underground storage tank removal or other similar activities is planned in the RD-2 District, a permit from the City of Decatur Building department will be required. In addition, the submission of a written plan addressing public safety and construction documents showing compliance with the current adopted building code will be required.