



# BOARD OF ZONING ADJUSTMENT

## AGENDA

JANUARY 2019

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## **MINUTES NOVEMBER 2018**

**MEMBERS PRESENT:** Chairman, Charles Taylor, Mr. Forrest Temple, Mr. Collis Stevenson, Mr. Thomas Rossi and Ms. Delayne Dean

**SUPERNUMERARIES:** None Present

**OTHERS PRESENT:** Mr. Wally Terry, Director  
.....and Custodian of Records  
Mr. Herman Marks, 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.

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.

The minutes from the October meeting was approved without any changes. Mr. Forrest Temple motioned to approve the minutes. Ms. Delayne Dean seconded the motion. On a voice vote the motion carried.

### **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.

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

### **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.

Mr. Karl Hall of Experience Signs of the South presented this case to the Board. Mr. Hall stated the placement of the sign would be in the western most section of the entrance to the parking lot.

Chairman Charles Taylor stated there had been a lengthy discussion about the placement of the sign last month and called for questions from the Board or the public.

Mr. Bob Sims, Building Department had no comment.

Mrs. Karen Smith, Planning Department had no comment.

Mr. Forrest Temple motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll call vote the motion carried.

### **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 6<sup>th</sup> Av. SE for a general automotive repair, retail and parts store, property is located in a RD-2 Redevelopment District-2.

Mr. Bob Sims, Building Department, stated the reason for the appeal is, in an RD-2 zoning district an automotive repair is not listed as a permitted use or on appeal. Chairman, Charles Taylor stated that is the reason we are at this point.

Mr. Carl Cole with The Cole Law Firm appeared in support of the appeal. He explained his interpretation of the ordinance. He understood the ordinance to say the use was not permitted explicitly on appeal and it's not explicitly prohibited and asked if that was correct.

Mr. Bob Sims, Building Department, responded that was correct unless the building official determines it would negatively impact a neighborhood.

Mr. Emmette (Em) Barran, 300 Market Street Suite 3, appeared in support of the appeal and gave a brief history on the property stating the original use of the building was by Standard Oil. He stated that the RD1 and RD2 zones should not limit the use of a property fronting on Sixth Av and that uses had been permitted prior to the adoption of the zone should be allowed to continue or be re-established.

Mr. Cole spoke again expressing his concerns for the limited use of the building as the ordinance is written.

Ms. Kathy Ivey, Hazard KY, property owner, expressed her concerns that the lack of a renter in the building was causing negative monetary effects for her and for the city. Ms. Ivey expressed she would ensure the property was well maintained in a manner that would be pleasing for the community. Ms. Ivey stated as the property owner she would work with the tenant to put up a fence that would hide some of the vehicles that would be parked on the property as not to be an eyesore for the city. She also stated all of the work would be performed inside the garage area of the building. Ms. Ivey stated that as the property owner she would be willing to work with the city if the city would allow for her find a tenant.

Ms. Paula Prestwood, Gateway Reality, appeared in support of the appeal and stated she was representing Martin Martinez, applicant, for this appeal. Ms. Prestwood stated that the property owners would have to approve any color before the building could be painted. Ms. Prestwood stated that the automotive repairs would be for fleet maintenance purposes not the general public. Landscaping would be done to ensure privacy for the residents living behind the shop.

Mr. Forrest Temple asked if the cost to renovate the building had been looked at for other potential tenants.

Ms. Prestwood stated one potential tenant turned it down because it would take extensive renovations but that was determined to be cost prohibitive. Others had turned it down due to it simply did not meet their needs or the zoning was not conducive to their needs at this time.

Mr. Thomas Rossi asked about the noise levels for the neighbors.

Ms. Ivey responded that the business would not be operational during the night time hours and should not be any louder than the noise that already exists with the 6<sup>th</sup> Ave traffic.

Chairman, Charles Taylor stated from RD-2 from sub paragraph 3 uses prohibited.

Mr. Bob Sims, Building Department interjected and said he did not believe that was exactly the line. Mr. Sims stated the basis of his decision, when he is asked the question, is the uses allowed and the uses allowed on appeal. Then thinks about what is prohibited. The next step is: if it is not allowed, or not allowed on appeal but it's not prohibited. He then presents his interpretation to The Board then The Board makes a decision, places any conditions, if any, on that request if it is not prohibited out right.

Chairman, Charles Taylor continues with what he was saying that the ordinance reads under uses permitted states 3 different categories retail and commercial trade, service oriented facilities and commercial. Chairman, Charles Taylor asks how this is a permitted use as a repair facility.

Mr. Carl Cole responded by saying that it is being requested that The Board let the property owner to maximize their property through flexible development standards.

Mr. Thomas Rossi asked Mr. Cole if he believed most of the work would be performed inside.

Mr. Cole responded that he did not feel like there would be any room to work in the parking lot so they would do the work inside.

Mr. Thomas Rossi asked if there would be painting creating fumes coming from the business.

Ms. Prestwood stated there would not be any painting.

Mr. Wally Terry, Director of Development, stated about used tires being left at the property. Tires would need to be placed behind some type of screen and removed in a timely manner. Mr. Terry suggests one of the conditions would be that the tires needed to be out of sight.

Ms. Prestwood stated Mr. Martinez would have someone pick the tires up once a week. The tires would be recycled and/or retreaded. Ms. Prestwood stated they hoped to put up a wooden fence, but they would be willing to put up any type of fence the city suggests.

Ms. Delayne Dean asked if there would be any vehicles for sale at the property.

Ms. Prestwood stated no.

Chairman, Charles Taylor asked for questions from the public.

Mr. Bob Sims, Building Department, stated that the sign that is there is in compliance. If it is replaced with the same type, and size it would not have to go in front of the board.

Mrs. Karen Smith, Planning Department, stated the Planning Department does not support "use variances" because the department feels like it has a negative impact on the integrity of the zoning ordinance.

Chairman, Charles Taylor stated that the Board could not rule on what RD-1 and RD-2 may have intended several years ago. The Board has to make its ruling in regard to what is in the book now for RD-2. The purpose of the RD-1 and RD-2 is to provide flexibility and believes The Board should be flexible in the administration of the decision. Chairman, Charles Taylor asked the Board for a motion for this case.

Mr. Forrest Temple motion to approve this case with the following conditions:

- All work to be performed inside the building.
- Installation of fencing and screening should be tall enough that vehicles are not seen from 6<sup>th</sup> Ave.

- Ms. Ivey is to approve painting of the building and improvements of the exterior of the building.
- Effort is to be taken to minimize noise from the garage.
- Hours of operation to be agreed upon with the Building Department (recommend 7 a.m. until 6 p.m.).
- No body work to be performed including painting.
- All tires removed promptly, not to accumulate anywhere in sight.
- No vehicles for sale.
- Compliance with RD-2 landscaping, lighting and other requirements.
- Having proper state seals.
- Site plan showing landscaping, parking spaces marked, enclosed dumpster location.

Mr. Thomas Rossi seconded the motion. On a roll call vote the motion carried.<sup>1</sup>

#### **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.

Mr. Kerby presented this case to the Board. Mr. Kerby stated he would like to have an administrative office in his home for a handyman service. There will not be any traffic coming in or out of the home.

Mr. Thomas Rossi asked what type of vehicles would be used.

Mr. Kerby stated only two pick-up trucks with only small hand tools on them.

Chairman, Charles Taylor asked where materials would be stored.

Mr. Kerby stated that each job would be job specific and once the job was complete the leftover materials would stay at that job site.

Chairman, Charles Taylor asked for comments from the public.

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

Mrs. Karen Smith, Planning Department had no comment.

Mr. Forrest Temple motioned to approve this case as submitted. Mr. Thomas Rossi seconded the motion. On a roll call vote the motion carried.

#### **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.

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<sup>1</sup> RD1 and RD2 definitions on pages 12-19

Chairman Charles Taylor recused himself from this case. Mr. Forrest Temple acted as Chairperson for this case.

Mrs. Nell Standridge presented this case to the Board. Mrs. Standridge said she would like to have an administrative office in her home for an estate sales business. Mrs. Standridge will meet at the client's home. Vice-Chairman, Forrest Temple asked for questions from the Board.

Mr. Thomas Rossi asked if she would have any clients coming to her home or any supplies being stored at her home.

Mrs. Standridge stated she would not.

Vice-Chairman, Forrest Temple asked about advertising.

Mrs. Standridge stated she would not have any type of advertising at her home or on vehicles.

Vice-Chairman, Forrest Temple asked for 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. Collis Stevenson seconded the motion. On a roll call vote the motion carried.

## **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.

Mr. Patrick Westmorland presented this case to the Board. Mr. Westmorland stated he needed a business license so he could receive his mail in Decatur because his mailbox in Lawrence County keeps getting destroyed.

Mr. Bob Sims, Building Department, advised if he does not live in the City of Decatur he does not need a home occupation license Mr. Sims advised Mr. Westmorland to get a P.O. Box located in Lawrence County. Mr. Sims advised Mr. Westmorland that a regular business license would be needed to work in Decatur along with the proper insurance.

Mr. Westmorland understood.

Chairman, Charles Taylor asked Mr. Westmorland if he would like to withdraw his application for the home occupation. Mr. Westmorland stated yes.

This case was withdrawn.

## **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.

Ms. Pamela Nichols presented this case to the Board. Ms. Nichols stated she would like to have an administrative office in her home for a cleaning business.

Chairman, Charles Taylor asked for questions from the Board.

Mr. Thomas Rossi asked if she would be storing her supplies at her home.

Ms. Nichols stated in a storage building at her home.

Chairman, Charles Taylor reminded Ms. Nichols that there could not be any customers coming to her home and if she had employees they could not meet at her home. Advertising is allowed on her vehicle as long her home address is not listed.

Ms. Nichols understood.

Chairman, Charles Taylor asked for comments from the public.

Mr. Bob Sims, Building Department had no comment.

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

Mr. Forrest Temple motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll call vote the motion carried.

## **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.

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

Chairman, Charles Taylor verified she would not have any customers coming to her home and advertising on vehicles cannot have her home address on it.

Ms. Jackson agreed.

Chairman, Charles Taylor asked for question from the Board.

Mr. Forrest Temple asked Ms. Jackson if she would have any type of bounce houses or things of that nature.



Ms. Jackson stated no, if need be she would rent that type of service.

Mr. Thomas Rossi verified that the parties would not be at her home.

Ms. Jackson agreed.

Chairman, Charles Taylor asked for questions from the public.

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

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

Mr. Collis Stevenson motioned to approve this case as submitted. Mr. Thomas Rossi seconded the motion. On a roll call vote the motion carried.

## **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 6<sup>th</sup> Av SE, property located in a B-2 General Business District.

Mr. Jackie Letson presented this case to the Board. Mr. Letson is requesting a temporary permit to sell seasonal produce.

Chairman, Charles Taylor asked for questions from the Board.

Ms. Delayne Dean asked if electricity was still operational in the building at 214 6<sup>th</sup> Av SE.

Mr. Letson replied yes it was turned on.

Chairman, Charles Taylor stated that a letter from the property owner giving Mr. Letson permission to use the facilities inside 214 6<sup>th</sup> Av SE was on file.

Mr. Forrest Temple asked if the water was still on inside the building.

Mr. Letson replied the water was on.

Chairman, Charles Taylor reminded Mr. Letson once the Farmer's Market re-opens he is requested to move to the Farmer's Market as was done in previous years.

Mr. Letson agrees.

Chairman, Charles Taylor asks for question from the public.

Mr. Bob Sims, Building Department, stated he would like Mr. Letson to fill out a Certificate of Occupancy this year just to verify the utilities are operational and some type of directional signs should be in place in case customers need to use the facilities.

Mr. Letson was agreeable.

Mrs. Karen Smith, Planning Department, was in agreement with the Building Department.

Mr. Thomas Rossi motioned to approve this case with the condition of the completed Certificate of Occupancy.

Mr. Forrest Temple seconded the motion. On a roll call vote the motion carried.

## **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 15<sup>th</sup> Av SW, property is located in a R-2 Single Family Residential Zoning District.

Ms. Taylor presented this case to the Board. Ms. Taylor stated she would like to have a Group Day Care at her home for day time hours only.

Chairman, Charles Taylor asked about the property owners name being different than hers. Ms. Taylor commented that Greg Scruggs was her husband.

Chairman, Charles Taylor advised Ms. Taylor that a Group Day Care located in a R-2 Single Family Zoning District is allowed 7-12 children during the hours of 2 p.m. until 7 p.m. Up to 6 children are allowed 5a.m.until 2p.m.

Ms. Taylor understood and was told that would have to be one of the conditions met for a license to be granted.

Mr. Forrest Temple inquired how the licensing would be worded.

Mr. Bob Sims replied that the condition of the licensing would have to state a daycare was allowed from 5 a.m. until 2 p.m. and a Group Daycare would be allowed from 2 p.m. until 7p.m.

Chairman, Charles Taylor asked for questions from the public.

Mr. Bob Sims, Building Department, had no further comments.

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

Mr. Forrest Temple motioned for approval with the conditions stated. Ms. Delayne Dean seconded the motion. On a roll call vote the motion carried.

## **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 4<sup>th</sup> 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).

Mr. Mike Taylor, representing Cook's Museum, presented this case to the Board. Mr. Taylor stated they were asking for a variance on 3 signs out of 10 which will be placed on the building. The signs will be used for way finding for visitors who are coming from different directions and advertising exhibits. Mr. Taylor states the signs are under the 200 square foot limit but over the 10% wall space.

Ms. Delayne Dean asked about the frequency the signs would be changed out.

Mr. Taylor replied every 3 months or so depending on travelling exhibits and sign which are dated would be changed when needed.

Ms. Delayne Dean asked if the sign would be the same style of sign each time.

Mr. Taylor replied yes.

Mr. Forrest Temple asked about the mounting of the signs.

Mr. Taylor stated that the mounting of the signs was still being worked out with the sign company. Mr. Taylor stated that the Museum is going to make sure the sign are flush to the building.

Chairman, Charles Taylor asked for question from the public.

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

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

Mr. Brian Cook, 2008 Woodmont Dr. SE, commented that he felt the signage, would improve the way the museum will look, it will help to bring visitors into visit their facility and also all of the activities Decatur has to offer.

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

#### **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.

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

Chairman, Charles Taylor announced there would not be a Board of Zoning Meeting in the month of December, 2018. The next meeting will be January 2019 4:p.m.

Meeting adjourned 5:20 p.m.

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Chairman, Charles Taylor

Sec. 25-11.2. - Redevelopment District (RD).

- (a) *Creation.* A Redevelopment District will be created by the city council through the adoption of an ordinance in accordance with the normal procedures providing for the adoption of amendments to the zoning ordinance. Upon the adoption of this ordinance, the area within the district shall be designated on the "City of Decatur, Official Zoning Map" as a "RD" District, and an application for specific redevelopment may be made as hereinafter set forth.
- (b) *Purpose.* This RD (Redevelopment) District is 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.
- (c) *Action taken.* There is hereby created an RD Redevelopment District (mixed use district) for those areas designated by this chapter and the zoning map of the city. This RD District shall allow mixed land uses (residential, commercial, retail and light industry) subject to use regulations set forth in this chapter and subject to the following requirements and conditions:
  - (1) *Permitted uses.*
    - a. Residential dwellings, with the exception of mobile homes, those uses permitted in all "R" Districts, including loft apartments above lower floor commercial/retail buildings.
    - b. Retail and commercial trade, including the following types: food, bakery, delicatessen, general merchandise, apparel, furniture, household and hardware, TV, 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.
    - c. Service oriented facilities, including the following types: banks, barber or beauty salons, churches, professional clinics (dental or medical), computer stores, fire station, hotel/motel, interior decorating shops, neighborhood retail, professional offices, optician, photographic studio, picture framing, police substations, post office branch, public/private schools (preschool/elementary or secondary), TV sales, restaurants, shoe repair, music or dance studios, art studios, martial arts studios, public buildings, including libraries, public utilities, semi-public buildings including municipal, county, state and federal buildings, playgrounds and parks, art galleries and other uses of similar types.
    - d. Light manufacturing, including light industrial operations, not obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, noise, odor or appearance, extended operating hours, or heavy truck traffic. Any retail or wholesale business not specifically restricted or prohibited in section 25-12 of the zoning ordinance.
    - e. On- and off-premises 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 state alcoholic beverage control board to sell alcoholic beverages as a restaurant; and on-premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty (50) or more rooms for rent to the public.
  - (2) *Uses prohibited.* Lumber yards or mills, mobile home sales, mobile home parks, stockyard (live animal or poultry sales), junkyards, and sexually oriented businesses; businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and other uses found to be of an objectionable nature or inconsistent with the general welfare of the district as determined by the chief building official.
  - (3) *Minimum lot size.* It is the intent of this section 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.
  - (4) *Minimum yard size.*
    - a. Front yard: None, except for lots facing Sixth Avenue (U.S. Hwy 31), there shall be a minimum twenty-five-foot setback.
    - b. Rear yard: None.
    - c. Side yard: None, except on a lot adjoining residential along its side lot line, there shall be a side yard of not less than eight (8) feet.
  - (5) *Maximum building area.* The maximum building site coverage by all structures shall be fifty (50) percent.
  - (6) *Maximum height.* Not specified.

- (7) *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
- (8) *Off-street loading.* Shall provide space for loading and unloading on the property site.
- (9) *Landscaping and lighting.* Landscaping and lighting criteria are hereby established to protect and preserve the appearance, and value of surrounding properties.
- 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 zoning ordinance) or, at the option of the developer, foundation landscaping (as defined in section 25-16(9)(g) of the zoning ordinance).
  - b. All commercial or industrial 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 commercial or industrial 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.
- (10) *Lighting.* Shall be in compliance with section 25-16(9)(o) of the zoning ordinance.
- (11) *Signage.* Signage requirements in the Redevelopment District on a principal arterial street or above, as designated in the transportation section of the comprehensive master plan, shall be subject to section 25-77(e) (Business Districts B-2 and B-3; Manufacturing Districts M-1 and M-2; and Expressway Commercial District M-1A) of the zoning ordinance of the city.

Signage on all other streets in the redevelopment district shall be subject to section 25-77(c) (Central Business District B-5) of the zoning ordinance of the city. However, signage for development adjoining an existing residential structure shall be a monument sign.

Monument signs shall not exceed thirty-six (36) square feet in area and forty-two (42) inches in height. Monument signs shall be setback a minimum of ten (10) feet behind the curb unless the sign will encroach on the right-of-way, then the sign will be placed behind the property line. Monument signs shall not obstruct the line of site for vehicles using the ingress or egress to an adjoining property.

If the property has a mixed use (e.g. commercial and residential) the more restrictive signage requirement shall apply.

- (12) *Application and approval process.*
- a. Approval required. Planning commission site plan approval is required for any 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 by a registered civil engineer of the state and include the following information:
    - 1. The name, address & 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 one (1) inch equals fifty (50) feet indicating:
      - a) Dimension and location of all existing or proposed buildings, existing utilities and easements, access drives, parking areas, loading and unloading areas, if applicable.
      - b) Landscaping, fencing and lighting plans,
      - c) Signage plans.

(Ord. No. 06-3861, § 1, 4-3-06; Ord. No. 06-3891, § 1, 2-5-07; [Ord. No. 14-4173, § 7](#), 4-7-14)

### 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 6<sup>th</sup> Avenue SE and the west side of 7<sup>th</sup> Avenue SE beginning at a point where the centerline of 7<sup>th</sup> Ave SE intersects the centerline of 5<sup>th</sup> 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 7<sup>th</sup> Avenue SE to the centerline of 11<sup>th</sup> St SE; thence east along the said centerline of 11<sup>th</sup> 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 6<sup>th</sup> Avenue SE; thence north along the centerline of 6<sup>th</sup> Avenue SE to the intersection with 5<sup>th</sup> Street SE (if extended); thence east along the centerline of 5<sup>th</sup> Street SE to the intersection with 7<sup>th</sup> 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 6<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> Avenue SE should be 1 to 1-1/2 stories up to a maximum of 2 stories along 6<sup>th</sup> 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) *7<sup>th</sup> Avenue SE Access.* There shall be no ingress from, or egress to, 7<sup>th</sup> Avenue SE for any new development. All development shall be designed to front 6<sup>th</sup> Avenue SE. Access for development to 6<sup>th</sup> 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 7<sup>th</sup> Avenue between 10<sup>th</sup> and 11<sup>th</sup> Streets SE. They shall be allowed access to 7<sup>th</sup> Avenue for development if they do not include any property west of the existing alleyway or property contiguous to 6<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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.

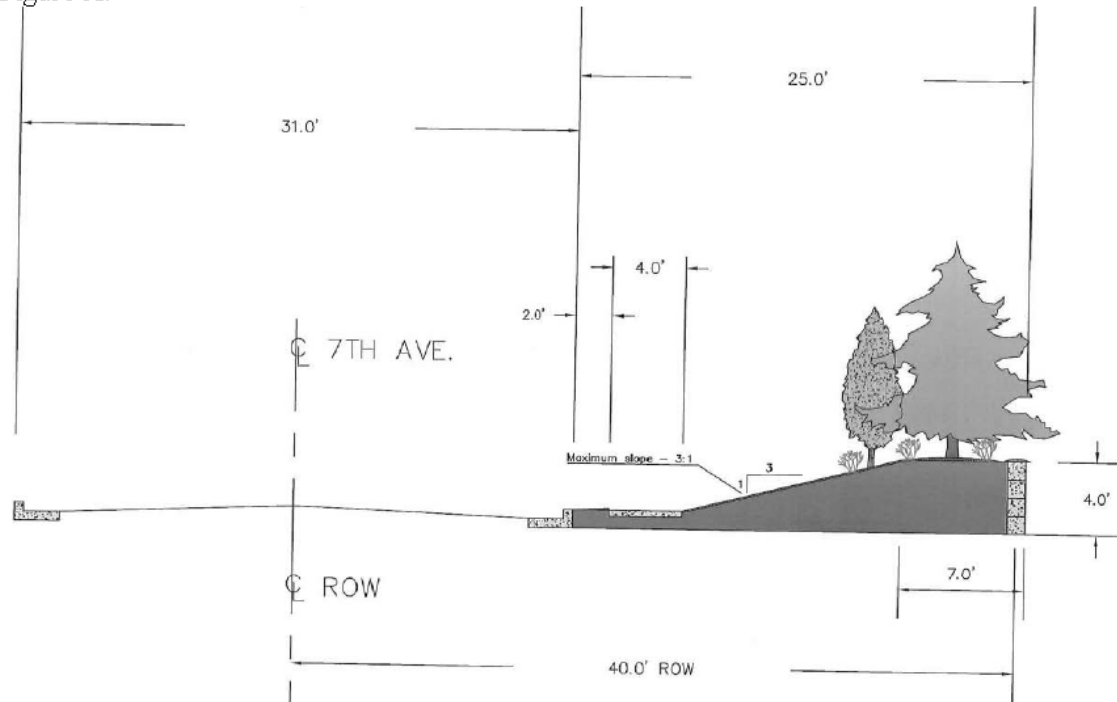
If the lot is on a corner, the landscaping buffer berm shall be sloped and transition into the perimeter landscaping. Planting shall not interfere with the sight triangle at street intersections or ingress and egress to the property.

Where mature canopy/screening trees are located in the right-of-way of 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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.

( [Ord. No. 14-4177, § 1](#), 5-12-14; [Ord. No. 14-4192, §§ 1—3](#), 9-2-14)

## **JANUARY 2019**

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, January 29, 2019 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**

Application and appeal of Apryl Botto 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 rebar installation company located at 1520 Southhampton Ct SE, property is located in a PRD-6 Planned Residential Development Zoning District.

### **CASE NO. 2**

Application and appeal of Don Lovett 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 lawn mowing business located at 410 Autumnwood Dr. S.W., property is located in a R-6 Residential Single-Family Semi-Attached Zoning District.

### **CASE NO. 3**

Application and appeal of Teresa Dotson 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 service located at 1226 North St. S.E., property is located in a R-4 Residential Single-Family Zoning District.

### **CASE NO. 4**

Application and appeal of James L. Bell for an administrative decision of the Building Official as allowed in Section 25-2(1) of the Zoning Ordinance to construct a pole barn in the side yard located at 3413 Cedarhurst Dr. S.W., property is located in a R-3 Single-Family Zoning District.

### **CASE NO. 5**

Application and appeal of Sunday Bougher, SGA Design Group for a 65.43 square foot area variance from Section 25-77 ( e )(1) of the Zoning Ordinance in order to install a directional sign at 1203 6<sup>th</sup> Av. S.E., property is located in a RD Re-Development Zoning District.

### **CASE NO. 6**

Application and appeal of Rose Elliott for a use permitted on appeal from Section 25-95(a) of the Zoning Ordinance in order to have a day care for children from 6 a.m. until 7 p.m. at 1605 8<sup>th</sup> St. S.W., property located in a R-2 Residential Single-Family Zoning District.

## **CASE NO. 7**

Application and appeal of John Mitchell for the following two 5 foot setback variances at Mitford Place Subdivision S.W., property is located in a R5-0 Residential Single-Family Patio Home Zoning District.

- A) 5 foot setback variance from Section 25-10.5 (2)(f) of the Zoning Ordinance at lots 13,14,15,17,18 located on Hempstead Av. S.W.
- B) 5 foot setback variance from section 25-10.5 (1)(c ) of the Zoning Ordinance at lot 12 located on Covina Dr. S.W.



*A Grand City on a* **CHARMING SCALE**

Board of Zoning Adjustment

APPLICANT: April Botto  
MAILING ADDR: 1520 Southampton Ct SE ✓  
CITY STATE ZIP: Decatur, AL 35601  
PHONE: 2054542600

PROPERTY OWNER: April Botto  
OWNER ADDR: 1520 Southampton Ct SE ✓  
CITY STATE ZIP: Decatur, AL 35601  
OWNER PHONE: 2054542600

ADDRESS FOR APPEAL: 1520 Southampton Ct SE 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.)

HOME OFFICE for rebar installation company  
Admin office only  
no supplies- stored on site

Applicant Name(print) April Botto  
Signature [Signature]  
Representative Name(print) \_\_\_\_\_  
Signature \_\_\_\_\_  
Date 11/26/2018

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

Office Use  
Received By Cindy  
Zone \_\_\_\_\_  
Hearing Date 1/29/19 4:00  
Approved/Disapproved pm

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<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 1 1520 SOUTHAMPTON CT. S.E.



## HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

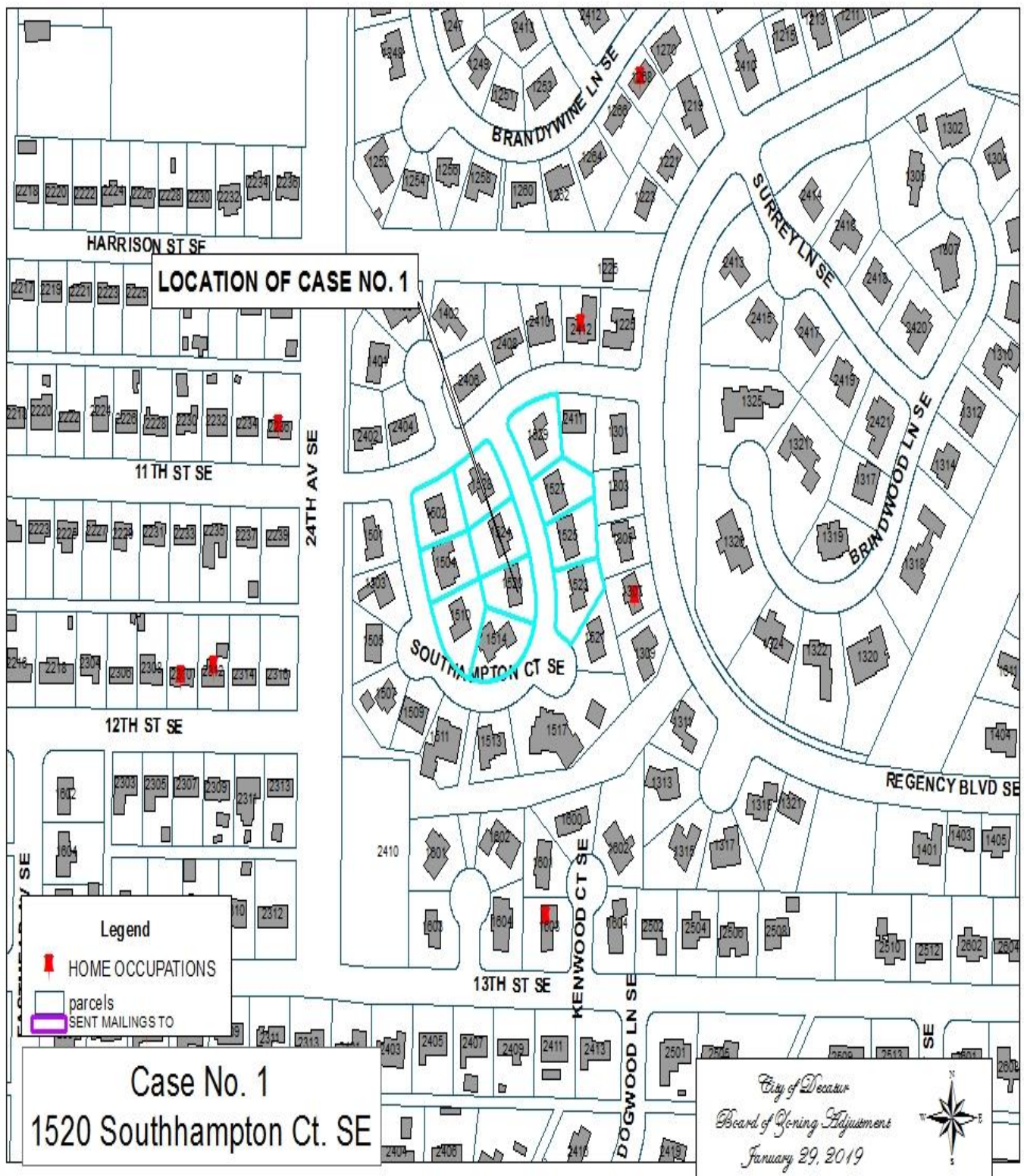
1. Is the occupation\* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐  
*\*note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home 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: Asell H DATE: 11/26/2018  
ADDRESS: 1520 Southampton Ct SE Decatur, AL 35601

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QUESTIONNAIRE







2



*Grand City on a CHARMING SCALE*

Board of Zoning Adjustment

APPLICANT: Don Lovett  
MAILING ADDR: 416 Autumnwood Dr. S.W.  
CITY STATE ZIP: Decatur AL 35601  
PHONE: 256-227-2216

PROPERTY OWNER: Don Lovett  
OWNER ADDR: 416 Autumnwood Dr. S.W.  
CITY STATE ZIP: Decatur AL 35601  
OWNER PHONE: 256-227-2216

ADDRESS FOR APPEAL: 416 Autumnwood Dr. S.W. 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 want to use my home as a admin office for my marketing business, supplies stored in storage building

Applicant Name(print) <u>Don Lovett</u> Signature <u>Don Lovett</u> Representative Name(print) <u>Don Lovett</u> Signature <u>Don Lovett</u> Date <u>12-10-18</u>	If applicant is using a representative for the request both signatures are required.	Office Use Received By <u>Cindy</u> Zone _____ Hearing Date <u>January 29th</u> Approved/Disapproved <u>4:00 pm</u>
---	--	---

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<sup>th</sup> of the month to be heard the last Tuesday of the month.



## HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

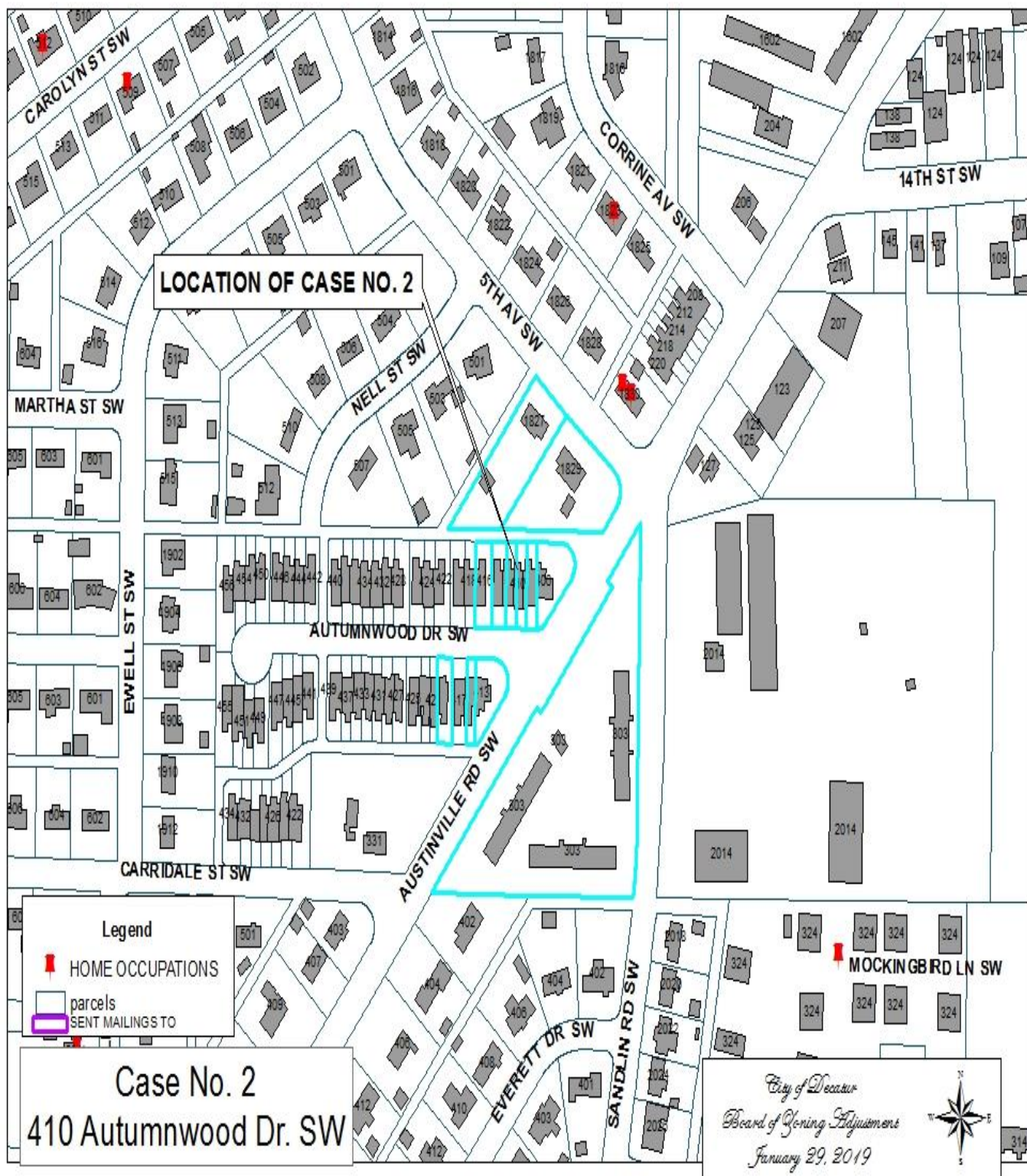
1. Is the occupation\* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐  
*\*note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home 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: Don Pratt DATE: 12-10-18  
ADDRESS: 410 Platinumwood Dr Decatur AL 35601

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QUESTIONNAIRE









*A Grand City on a CHARMING SCALE*

## Board of Zoning Adjustment

APPLICANT: TERESA Dotson  
MAILING ADDR: 1226 North St. S.E ✓  
CITY STATE ZIP: Decatur, AL 35601  
PHONE: 256-227-4016

PROPERTY OWNER: Howard Sowers  
OWNER ADDR: 1226 North St. S.E. ✓  
CITY STATE ZIP: Decatur, AL 35601  
OWNER PHONE: 256-353-2788 or 256-227-2401

ADDRESS FOR APPEAL: 1226 North St SE 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 want to use my home as an admin. office  
for my cleaning business. Supplies will be  
stored off-site

Applicant Name(print) TERESA Dotson  
Signature Teresa Dotson  
Representative Name(print) \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

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

Office Use  
Received By Cudg  
Zone R-4  
Hearing Date 1/29/19  
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<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 3 1226 NORTH ST. S.E.



## 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 your 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 ☒

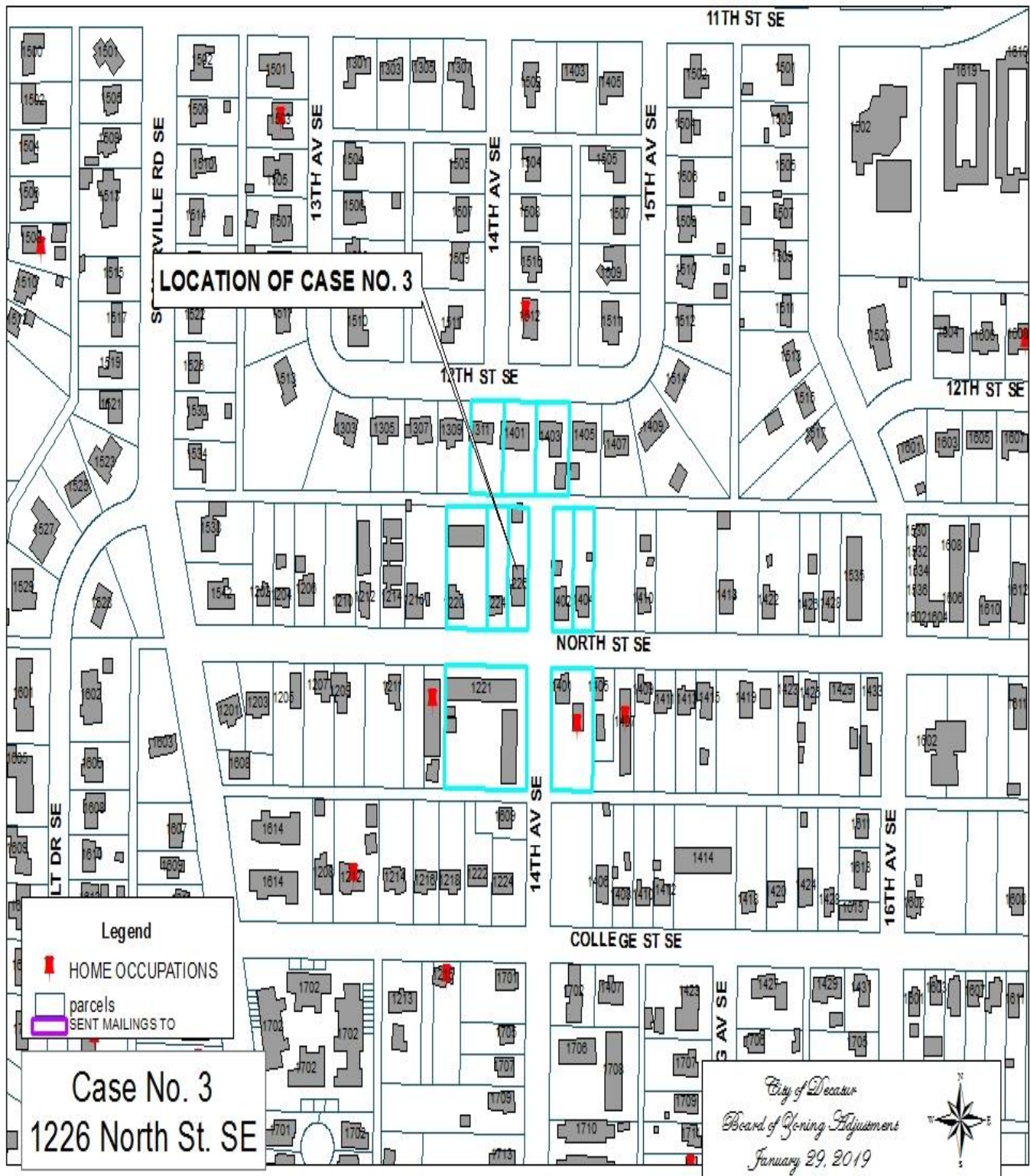
SIGNED: Seena Dotsen DATE: \_\_\_\_\_

ADDRESS: 1226 North St S.E Decatur, AL 35601

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QUESTIONNAIRE







January 29<sup>th</sup> 2019 4:00 p.m.



*Small City on a CHARMING SCALE*

### Board of Zoning Adjustment

APPLICANT: James L. Bell  
MAILING ADDR: 3413 Cedarhurst Dr. S.W.  
CITY STATE ZIP: Decatur, AL 35603  
PHONE: 256-350-2901

PROPERTY OWNER: James L. Bell  
OWNER ADDR: 3413 Cedarhurst Dr. S.W.  
CITY STATE ZIP: Decatur AL 35603  
OWNER PHONE: 256-350-2901

ADDRESS FOR APPEAL: 3413 Cedarhurst Dr. S.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.)

Build Pole Barn in side yard. See attached survey

Applicant Name(print) James L. Bell  
Signature [Signature]  
Representative Name(print) Self  
Signature [Signature]  
Date 1/9/19

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

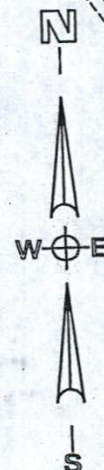
Office Use  
Received By [Signature]  
Zone R-3  
Hearing Date 1/27/19  
Approved/Disapproved

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<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 4 3413 CEDARHURST DR. S.W.

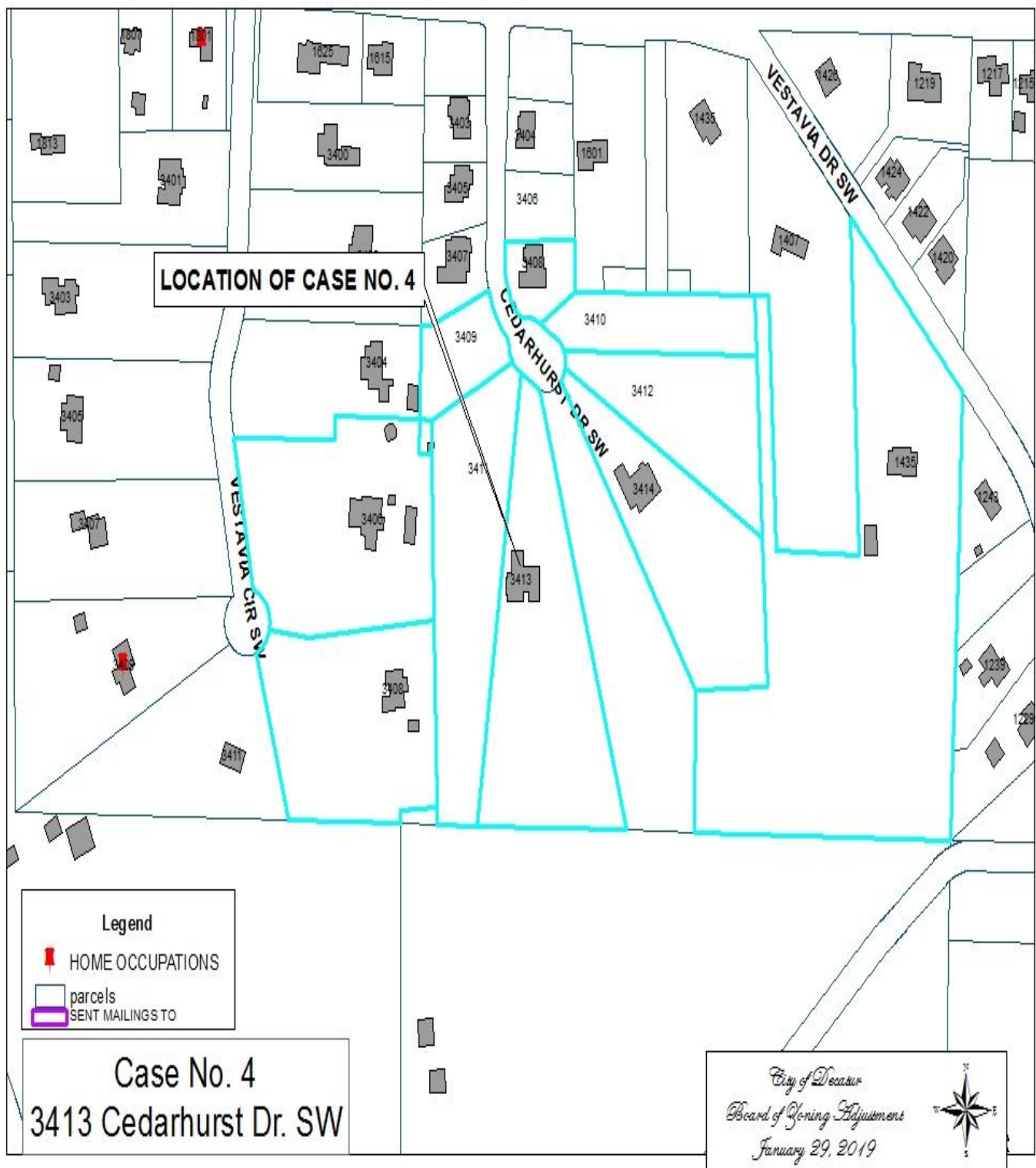


- NOT TO SCALE



BOUNDARY SURVEY -- JAMES BELL -- CEDARHURST DR. SE, DECATUR, AL

PUGHWRIGHTMCANALLY.COM





January 29, 2019 4:00 p.m.



A Grand Opportunity CHARMING SCALE

### Board of Zoning Adjustment

APPLICANT:	Sunday Bougher, SGA Design Group
MAILING ADDR:	1437 S Boulder, Suite 550
CITY STATE ZIP:	Tulsa, OK 74119
PHONE:	(918) 587-8600 ext. 331
PROPERTY OWNER:	Walmart Real Estate and Trust
OWNER ADDR:	2001 SE 10th Street
CITY STATE ZIP:	Bentonville, AR 72716
OWNER PHONE:	(479) 258-6558

ADDRESS FOR APPEAL:	1203 6th Avenue SE
---------------------	--------------------

<b>NATURE OF APPEAL:</b>		
<input type="checkbox"/> HOME OCCUPATION	<input type="checkbox"/> SETBACK VARIANCE	<input checked="" type="checkbox"/> SIGN VARIANCE
<input type="checkbox"/> USE PERMITTED ON APPEAL	<input type="checkbox"/> APPEAL OF ADMINISTRATIVE DECISION	
<input type="checkbox"/> OTHER	<input type="checkbox"/> SURVEY FOR VARIANCES ATTACHED	<input type="checkbox"/> DRAWINGS FOR VARIANCES ATTACHED

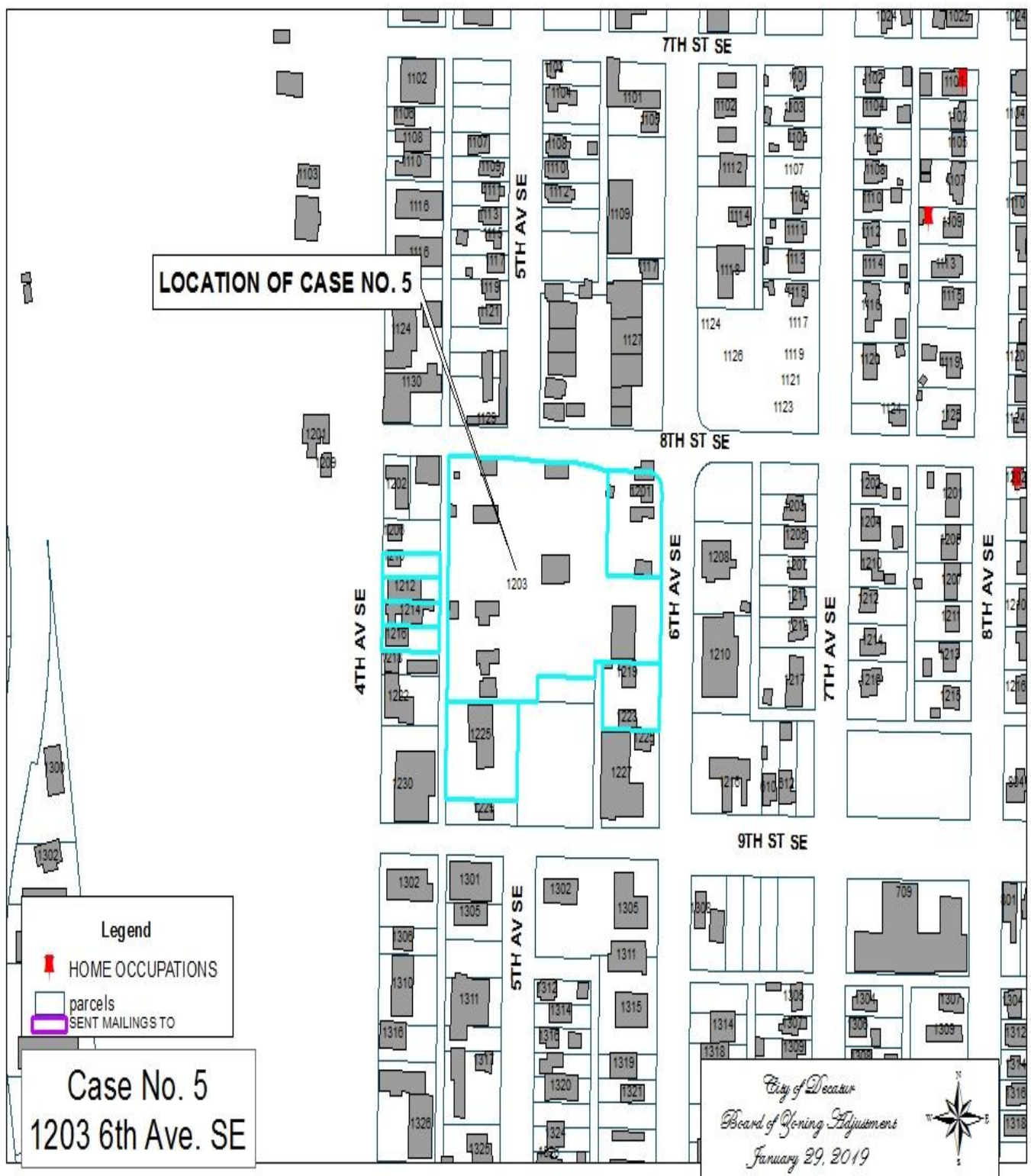
\*\*\*\*\* Applicants or Duly Appointed Representative MUST be present in order for the case to be heard\*\*\*\*\*

<b>DESCRIBE APPEAL IN DETAIL:</b> (INCLUDE DIMENSIONS, # FT FOR VARIANCES, # FOR PARKING, HARDSHIP, TYPE OF BUSINESS)		
City of Decatur Zoning Ordinance Chapter 25, Article III, Section 25.77(e)(1), limits the maximum area of two hundred square feet. We are respectfully requesting a variance for an additional 65.43 sf of sign area for the Pickup* sign. This directional sign at the front elevation assists customers, who need the Pickup service, to safely navigate to the Pickup service area.		
Applicant Name(print) Sunday Bougher	<b>If applicant is using a representative for the request both signatures are required.</b>	Office Use
Signature <i>[Signature]</i>		Received By <i>[Signature]</i>
Representative Name(print)		Zone R-5
Signature		Hearing Date 1.29.19
Date 1/9/19		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<sup>th</sup> of the month to be heard the last Tuesday of the month

CASE NO. 5 1203 6TH AV. S.E.





6



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

APPLICANT: Rose Elliott  
MAILING ADDR: 1605 8th St SW  
CITY STATE ZIP: Decatur, AL 35601  
PHONE: 256-686-2889  
PROPERTY OWNER: Rose Elliott  
OWNER ADDR: 1605 8th st. SW  
CITY STATE ZIP: Decatur AL 35601  
OWNER PHONE: 256-686-2889

ADDRESS OF APPEAL: 1605 8th St SW

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.

Day care hours be from 7:00 am to 4:00 pm.  
5:00 pm if needed Monday thru Friday. Parking  
will be on the left side of the in the drive way  
and the front of the house. Den will be the Day care area.  
I have a fenced in back yard there is no pool and no dogs.

Rose Elliott  
APPLICANT SIGNATURE  
Rose Elliott  
PRINT NAME  
DATE: 12-6-2018

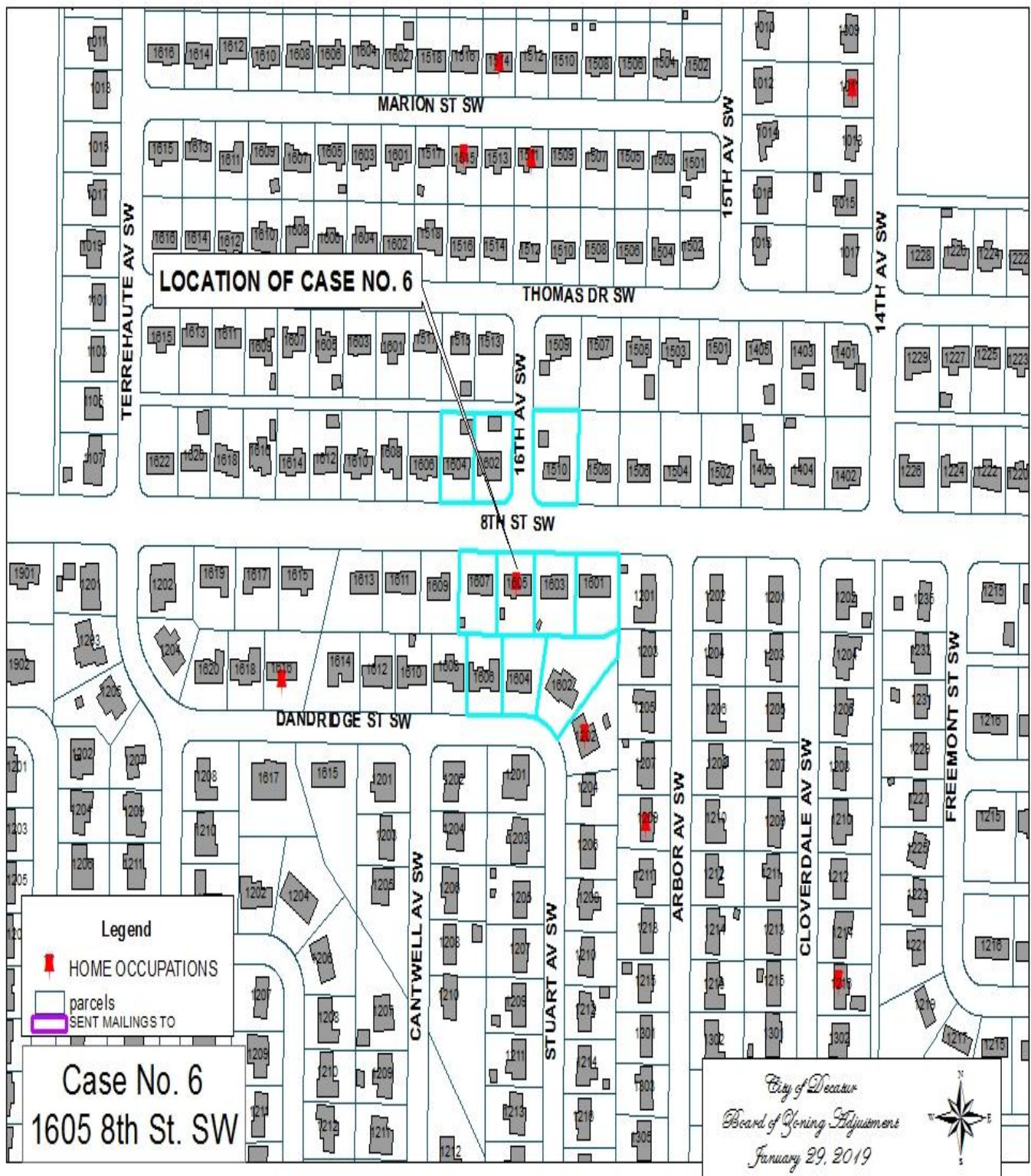
OFFICE USE ONLY

REVIEWED BY: [Signature]  
HEARING DATE: Jan. 29, 2019  
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. 6 1605 8TH ST. S.W.









THE CHARMING SCALE

## Board of Zoning Adjustment

APPLICANT: JOHN MITCHELL

MAILING ADDR: 1503 MAGNOLIA DR NW

CITY STATE ZIP: HARTSELLE, AL 35640

PHONE: 256-303-1671

PROPERTY OWNER: JOHN MITCHELL

OWNER ADDR: 1503 MAGNOLIA DR NW

CITY STATE ZIP: HARTSELLE, AL 35640

OWNER PHONE: 256-303-1671

ADDRESS FOR APPEAL: LOT #10 & 11 COVINA DR SW & LOT #12, 13, 14, 15, 17, 18 & 19 AVE SW <sup>HAMPSTEAD</sup>

☐ 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.)

PLEASE SEE ATTACHED FOR GRATER DETAIL

ITEM 1. LETTER 2 PAGES

2. EXHIBIT A (1) PLAT

Applicant Name (print) JOHN MITCHELL

Signature [Signature]

Representative Name (print) JOHN MITCHELL

Signature [Signature]

Date Jan 9, 2019

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

Office Use

Received By

Zone R-5 zero

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 10<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 7 MITFORD PL SUBDIVISION

**John Mitchell Construction**

Cell Phone - 256-303-1671

January 9, 2019

Committee Members:

I would like to thank Wally Terry, City Planning Department, Building Department, Utility Department and the Variance Committee for their help and hopefully approval of the changes that I am requesting. More specifically, I am asking for these changes in order to make these lots "*builder friendly*" and add balance to the overall presentation of the new home. We are able to do this and maintain the *Original Plat and Original Lot Dimensions by centering the 30' (foot) footprint* on each lot and maintain the 5' (foot) setback (some can remain a D.U.T.E.) as needed. This will automatically space the homes at a nominal 10' feet.

If we leave these lots as plated, one neighbor's "roof overhang" could encroach on the other neighbor's property. This necessitated an ordinance that allows you to go to *your* neighbor's property and do maintenance on *your* home.

Please see attached exhibit "A".

I look forward to our meeting so that you *can ask* and I *can answer* any question.

John Mitchell Construction

*John Mitchell*



JOHN MITCHELL CONSTUCTION  
1503 MAGNOLIA DR. NW  
HARTSELLE, AL 35640

**LOCATION**

**VARIANCE REQUEST \* MITFORD PLACE S/D \* DECATUR, AL**

**1. PROJECT DESCRIPTION**

**LOT # & STREET**

THE SUBJECT LOT LOCATED ON COVINA DRIVE SW	10	462
THE SUBJECT LOT LOCATED ON COVINA DRIVE SW	11	464
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	12	2819
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	13	2817
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	14	2815
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	15	2813
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	17	2809
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	18	2807
THE SUBJECT LOT LOCATED ON HEMPSTEAD AVE SW	19	2805

**2. VARIANCE DETAIL \* REQUEST BY LOTS \***

LOT # 10 AND # 11 – COMBIND INTO ONE – NEW LOT # 10A – NO D.U.T.E. REQUIRED ON SOUTH PROPERTY LINE. PROPERTY LINE AND BUILDING SETBACK LINE BETWEEN LOT # 10 AND # 11 ARE NO LONGER REQUIRED.

LOT # 12, 13, 14, 15, 17, AND 18 REQUEST THE FOLLOWING CHANGES. ALL SIDEYARD BUILDING SETBACKS AND D.U.T.E. ARE TO BE SET AT 5 FEET OFF PROPERTY LINE.

LOT # 19 SOUTH SIDE PROPERTY SET BUILDING LINE AT 5 FEET SET NORTH SIDE BUILDING SETBACK AT 35 FEET. BALANCE OF NORTH SIDEYARD ESTABLISHED BY COURTNEY DRIVE SW 60 FOOT ROW. LOT #19 FRONT IS 40 FEET + AND BACK IS 43.47 FEET + NO D.U.T.E. SPECIFICATED.

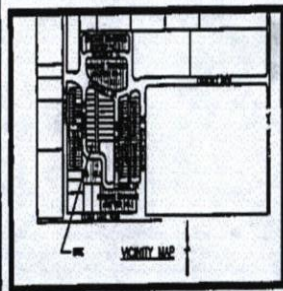
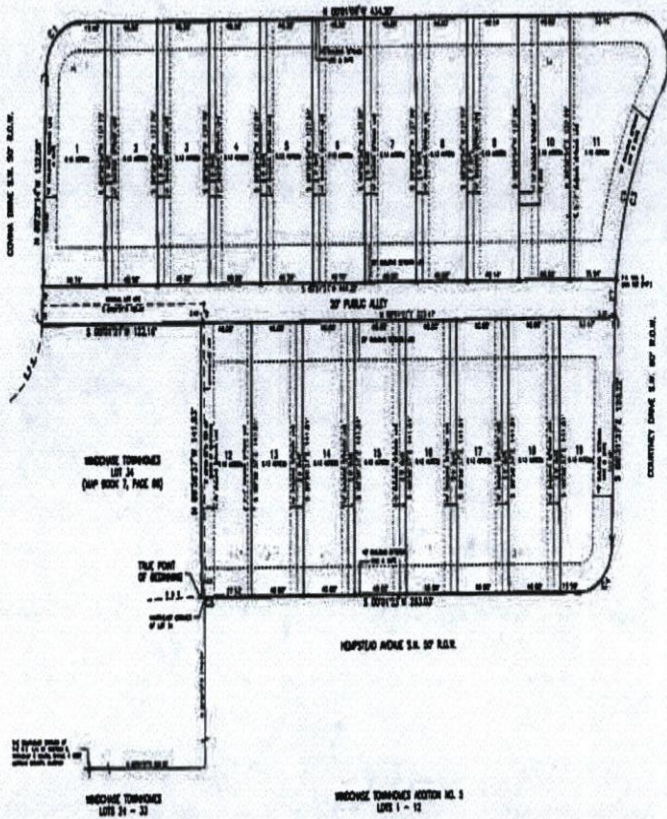


WINDCHASE TOWNHOMES SECTION NO. 3  
LOTS 1 - 30

# MITFORD PLACE

(A REPLAT OF WINDCHASE PATIO HOMES)  
(RENAME ONLY)

CONVA DRIVE S.E. OF RAIL



NOTE:  
SHOWN WITHIN LINE  
AND BOUNDARY FROM LOT 20 TO LOT 21 IN WINDCHASE.

- NOTES:
- (1) ALL EASEMENTS (PATIO AND POOL EASEMENTS, EASEMENTS, AND UTILITIES) ARE SHOWN.
  - (2) 8' - 10' PER SET BACKS (EASEMENTS) ARE SHOWN.
  - (3) ALL ALLEYS ARE PUBLIC.

CLIQUE DATA

CLIQUE	CLIQUE NO.	CLIQUE NAME	CLIQUE TYPE	CLIQUE STATUS
1	1	CLIQUE 1	CLIQUE 1	CLIQUE 1
2	2	CLIQUE 2	CLIQUE 2	CLIQUE 2
3	3	CLIQUE 3	CLIQUE 3	CLIQUE 3
4	4	CLIQUE 4	CLIQUE 4	CLIQUE 4
5	5	CLIQUE 5	CLIQUE 5	CLIQUE 5
6	6	CLIQUE 6	CLIQUE 6	CLIQUE 6
7	7	CLIQUE 7	CLIQUE 7	CLIQUE 7
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19	19	CLIQUE 19	CLIQUE 19	CLIQUE 19
20	20	CLIQUE 20	CLIQUE 20	CLIQUE 20
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28	28	CLIQUE 28	CLIQUE 28	CLIQUE 28
29	29	CLIQUE 29	CLIQUE 29	CLIQUE 29
30	30	CLIQUE 30	CLIQUE 30	CLIQUE 30

STATE OF ALABAMA  
COUNTY OF DECATUR

NOTICE TO CREDITORS

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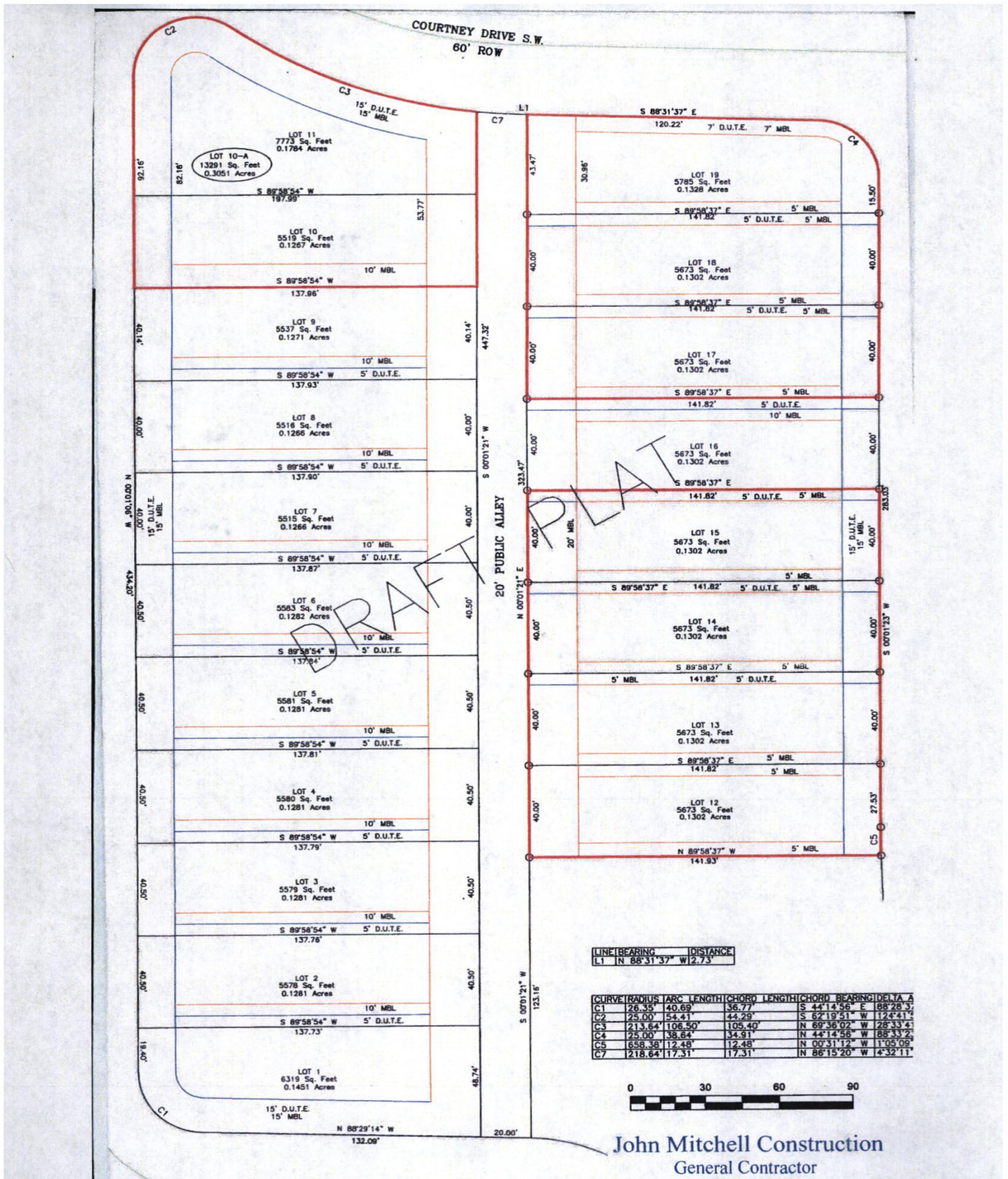
NOTICE TO CREDITORS

FINAL PLAT  
AS APPROVED  
2.72 ACRES±

FINAL PLAT	MITFORD PLACE (A REPLAT OF WINDCHASE PATIO HOMES) GRADY E. GUTHRIE DECATUR, ALABAMA
WATKINS, LINDA, COLLIER, & ASSOCIATES, INC. ONE BIRMINGHAM & LINDA BIRMINGHAM BIRMINGHAM, ALABAMA 35203 DATE: 10/1/2003	DATE: 10/1/2003







DRAFT PLAT



