

BOARD OF ZONING ADJUSTMENT

AGENDA

March 2019

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MINUTES FEBRUARY 2019

MEMBERS PRESENT: Ms. Delayne Dean, Acting Chairman, Mr. Collis Stevenson, Ms. Susana Salcido,

SUPERNUMERARIES: Rev. George Allen, Jr .and Mr. Steven Thomas

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

Acting Chairman, Delayne Dean 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 January meeting were approved without any changes. Mr. Collis Stevenson motioned to approve the minutes. Mr. Steven Thomas seconded the motion. On a voice vote the motion carried.

CASE NO. 1—DEFERRED FROM JANUARY

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 an attached sign at 1203 6th Av. S.E., property is located in a RD Re-Development Zoning District.

Ms. Sunday Bougher presented this case to the Board. Ms. Bougher stated she was representing the SGA Design Group at 1437 S. Boulder, Tulsa, Ok 74119. Ms. Bougher stated that Wal-Mart was getting ready to launch an on-line grocery service and signage was included in that launch. The new sign will be located where the pharmacy drive-thru sign is located at this time. The new pick-up sign will replace the pharmacy sign and the new pick-up sign will direct motorist where groceries and pharmacy needs will be picked up. A new smaller pharmacy sign will replace the old pharmacy sign.

Ms. Bougher stated that the Wal-Mart Building is larger than most retailers, even the Neighborhood Markets, and she feels the city's sign ordinance is fair however, topping it off at 200 square feet ties their hands. That combined with the current setbacks it obstructs visibility of the sign.

Rev. Allen asked about the sign that was going to be removed. Ms. Bougher stated that the pharmacy drive-thru sign was going to be removed when the new pick-up sign is installed however, by federal law there has to be a sign that states there is a pharmacy located at the location. The new pharmacy sign will now be re-located to the middle of the building and smaller in size.

Mr. Bob Sims, Building Department, verified the actual amount of square footage being requested. The total is 52.6 square feet beyond what is already there, Ms. Bougher agreed.
Mrs. Karen Smith, Planning Department, had no comment.

Mr. Steven Thomas motioned to grant the variance with an additional 53 square feet. Ms. Susana Salcido seconded the motion. On a roll call vote the motion carried.

CASE NO. 2

Application and appeal of Ricky Barnett 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 care business located at 719 8th Av SE, property is located in a R-3 Single-Family Residential Zoning District.

Mr. Rick Barnett presented this case to the Board. Mr. Barnett stated his address was 719 8th Av SE. Mr. Barnett stated he was seeking a business license to use one room in his house for his lawn care business and that he would store his equipment in a storage building in his backyard.

Rev. Allen asked Mr. Barnett about the amount of fuel he would be storing in his building. Mr. Barnett stated not more than 5 gallons. Mr. Barnett stated he would fuel up when he got to the job.

Ms. Susana Salcido asked about employees. Mr. Barnett stated he did not have any employees and did not anticipate having any employees.

Ms. Delayne Dean asked about advertising on his truck. Mr. Barnett stated none at this time. Ms. Delayne Dean reminded him he could have signs as long as his home address was not on the vehicle, Mr. Barnett understood.

Ms. Susana Salcido remind Mr. Barnett he could not have clients coming to his home, Mr. Barnett understood.

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

Mrs. Karen Smith, Planning Department, asked about the type of equipment he would be using. Mr. Barnett replied he had typical lawn care equipment. Mrs. Karen Smith recommended approval.

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

CASE NO. 3

Application and appeal of Dalena Nickerson 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 selling women's apparel and merchandise on line located at 715 Cedar Lake Rd SW, Apt #506, property is located in a R-4 Multi-Family Residential Zoning District.

Ms. Dalena Nickerson presented this case to the Board. Ms. Nickerson stated her address was 715 Cedar Lake Rd SW Apt #506. Ms. Nickerson stated she was requesting to have an administrative office in her home to sell women's clothing and merchandise on line.

Ms. Susan Salcido asked how she would ship her merchandise. Ms. Nickerson stated she would take the merchandise to the post office for shipping.

Rev. George Allen asked if there would be any traffic to her home, Ms. Nickerson replied no.

Mr. Steven Thomas asked how items would be delivered to her home. Ms. Nickerson stated by United Postal Service.

Ms. Delayne Dean reminded Ms. Nickerson that she could only use one room in her home for this business and if her business grew too large she would have to find an alternative place of business, Ms. Nickerson acknowledged she understood.

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

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

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

CASE NO. 4

Application and appeal of Travez Mallard 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 mobile car wash located at 200 Somerville Rd SE, Apt B 12, property is located in a R-4 Multi-Family Residential Zoning District.

Mr. Travez Mallard presented this case to the Board. Mr. Mallard stated his address was 200 Somerville Rd SE Apt B 12. Mr. Mallard stated he would like to have an administrative office in his home for his mobile car wash business.

Mr. Steven Thomas asked if his car washing would be waterless. Mr. Mallard stated yes that it was waterless.

Ms. Delayne Dean asked Mr. Mallard if he had any employees. Mr. Mallard stated yes. Ms. Delayne Dean reminded Mr. Mallard that it was OK to have employees however, they could not come to his home to report to work, Mr. Mallard understood.

Ms. Delayne Dean reminded Mr. Mallard that he could not have his home address on any type of advertising, Mr. Mallard understood.

Mr. Steven Thomas motioned to approve this case as submitted. Rev. George Allen seconded the motion. On a roll-call vote the motion carried.

CASE NO. 5

Application and appeal of Detrus Dobbins 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 mobile car detailing business located at 4801 Joe Davis Dr., property is located in an AG-1 Agricultural Zoning District.

Mr. Detrus Dobbins presented this case to the Board. Mr. Dobbins stated his address was 4801 Joe Davis Dr. SW. Mr. Dobbins stated he would like to have an administrative office in his home for his mobile car wash business. Mr. Dobbins stated he has had a license before but he has moved and now needs to obtain a new license.

Mr. Steven Thomas asked Mr. Dobbins if his mobile car wash used water or was waterless. Mr. Dobbins replied he used water.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Mr. Steven Thomas motioned to approve this case as submitted. Mr. Collis Stevenson second the motion. On a roll-call vote the motion passed.

CASE NO. 6

Application and appeal of Emilio Machado 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 video production business located at 2905 Winfrey Dr. S.W., property is located in a R-2 Single Family Zoning District.

Mr. Emilio Machado presented this case to the Board. Mr. Machado stated his address was 2905 Winfrey Dr. SW. Mr. Machado stated he would like to use one room in his home for his video production business.

Mr. Steven Thomas asked about the type of videos he would be producing. Mr. Machado stated he would video weddings, commercials and life events. His work requires him to work away from the home and he only edits the videos at the home and other events. The customers then view the productions on-line. Mr. Machado stated that no one comes to the home.

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

Mrs. Karen Smith, Planning Department, asked Mr. Machado about the equipment he used. Mr. Machado stated he had tripods, lens, cameras and microphones. Mr. Machado stated all of his equipment fits into his vehicle or in a room in his house.

Mrs. Karen Smith, Planning Department, recommended approval.

Ms. Lavone Benton, 2416 Duncansby Dr. SW, questioned about people coming to the home. Mr. Machado reassured Ms. Benton that no one would be coming to the home. Ms. Benton understood and was satisfied with Mr. Machado's answer. Ms. Benton asked the Board if this case was approved would this mean other businesses could move into the neighborhood.

Ms. Susana Salcido reassured Ms. Benton that even though this is a business it is only for administrative purposes only.

Mr. Chip Alexander, Asst. City Attorney told Ms. Benton if she ever she notices a lot of traffic coming or going it should be reported to the Building Department. If the administrative office is not what was portrayed today the Board's approval can be reversed.

Ms. Delayne Dean also stated that before anyone else in the neighborhood could have a business they would have to go through the same process and be approved through the Board.

Mr. Collis Stevenson motioned to approve this case as submitted. Rev. George Allen seconded the motion. On a roll-call vote the motion carried.

CASE NO. 7

Application and appeal of Natasha McCrary dba 1818 Farms LLC, for determination as a use permitted on appeal as allowed in Section 25-113 in order to have a temporary business to sell cut flowers and plants at 502 and 504 Bank St. N.E., property located in a B-5 Central Business Zoning District.

Ms. Natasha McCrary presented this case to the Board. Ms. McCrary stated her address was 4845 High Street, Mooreseville, Al. Ms. McCrary stated she wanted to obtain a temporary occupancy business to sell plants and cut flowers. She will be selling flowers from a truck in the parking lot behind 502 and 504 Bank St NE. The parking lot belongs to Tammy Eddy and she has given permission.

Mr. Collis Stevenson asked if 1818 was part of the address or part of the business name. Ms. McCrary stated that was the name of the business.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Mr. Collis Stevenson motioned to approve this case as submitted. Rev. George Allen seconded the motion. On a roll-call vote the motion carried.

CASE NO. 8

Application and appeal of Pugh Wright McAnally, Inc. as a use permitted on appeal as specified in Section 25-12.2 seeking approval to construct a single family home at 2735 Old Moulton Road SW, property is located in an I-D Institutional District.

Mr. Blake McAnally, 310 8th AV NE, presented this case to the Board. Mr. McAnally stated he was the representative for Mr. Vernon Lane. Mr. McAnally stated Mr. Lane wanted to build a single-family home on the land for his personal use. The property has been zoned institutional for many years.

Ms. Delayne Dean asked Mr. McAnally if a single family detached home is what they are asking for on this parcel of property. Mr. McAnally stated yes.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Mr. Steven Thomas motioned for approval with the condition that a single family detached home was to be built on this property. Mr. Collis Stevenson seconded the motion. On a roll-call vote the motion passed.

CASE NO. 9

Application and appeal of Pugh Wright McAnally, Inc. for a 6 foot rear yard setback variance located at 2406 Hideaway Place S.E from Section 25-10.8 (2)(d)., property is located in a R-1 Single Family Residential Zoning District.

Mr. Blake McAnally, 310 8th Av NE, presented this case to the Board. Mr. McAnally was representing the home owner of 2406 Hideaway Place SE. Mr. McAnally presented the Board with an aerial view showing the proposed home of Jason and Jo Terri Wright owners of the property. The aerial view shows lot 8 where the house will be located. A 6 foot rear yard variance is requested in order to construct a back porch extending across the back of the home.

Mr. McAnally states the hardship is construction of the street is not in the center of the right of way.

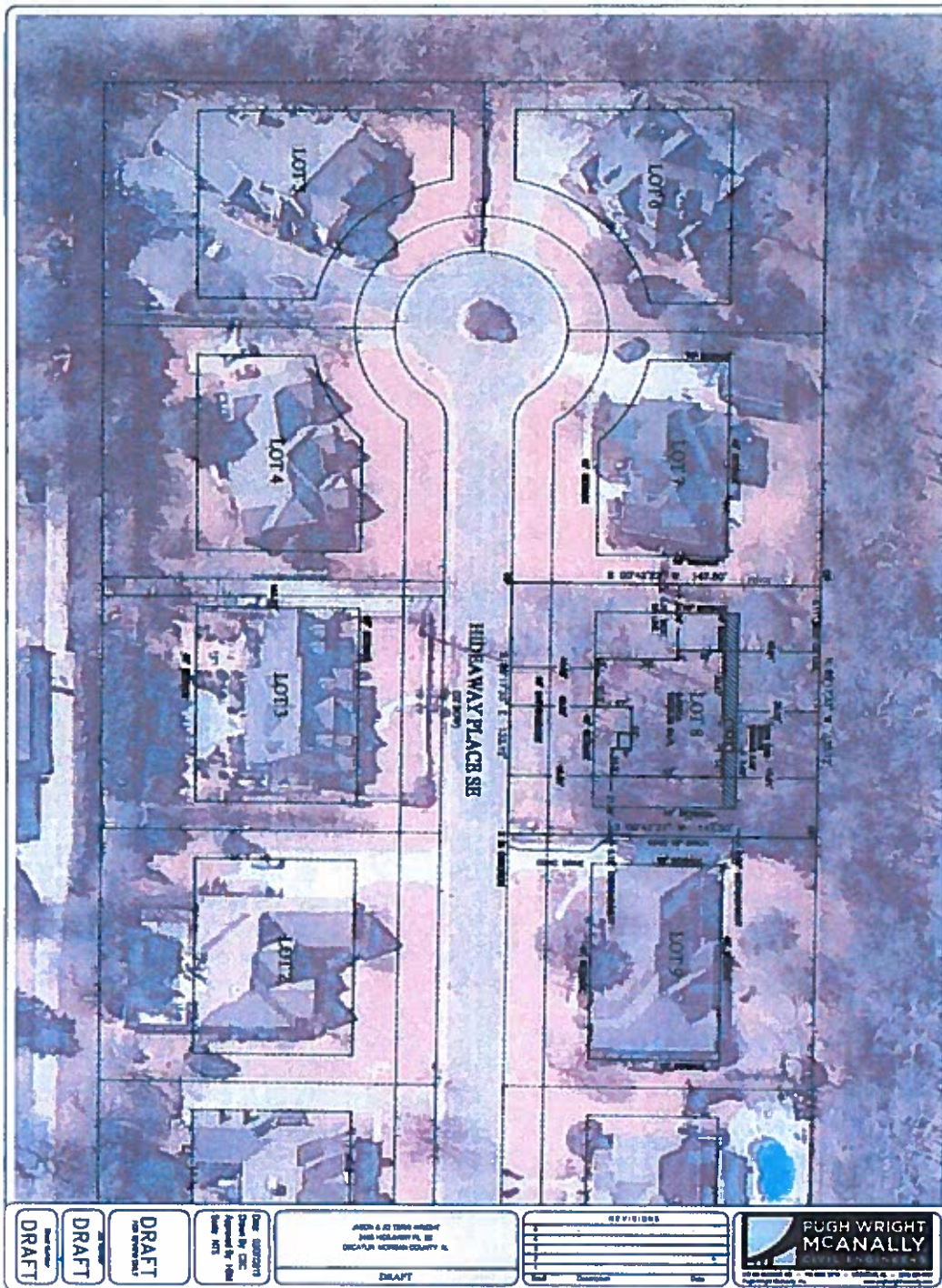
Ms. Delayne Dean verifies that the property backups to the wildlife refuge. Mr. McAnally agrees.
Mr. Bob Sims, Building Department, has no comment

Mrs. Karen Smith, Planning Department, recommends approval.

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

The meeting adjourned at 4:30 p.m.

Delayne Dean
Acting Chairman



GENERAL STANDARDS FOR TEMPORARY OCCUPANCY BUSINESSES

This list has been developed to aide in answering questions from people interested in mobile vending units other than food trucks. The temporary occupancy ordinance in Article 5 of Chapter 25 of the Code of Decatur) will govern this and the Board of Zoning Adjustment will have the authority to ask for additional accommodations as needed.

Produce

- Farmer's Market is not open to vendors at any time (the operating season is over)
- Growers license
- Decatur business license
- In conformance with the Temporary Occupancy Business ordinance (Article 5 of Chapter 25 of the Code of Decatur)
- Approved by BOZA
- On Private property (with owners written permission)
- 90 days in one calendar year
- If the 90 days are not consecutive a schedule of when the vendor will be on the property will be required and adherence expected. Changes to the schedule will be approved by BOZA.
- This is not allowed in on street parking spaces unless the street is closed for an event
- The BOZA may establish limits relative to number vendors displays and individual license based on traffic, parking and other safety related issues.

Non-produce

- Decatur business license
- In conformance with Temporary Occupancy Business ordinance (Article 5 of Chapter 25 of the Code of Decatur)
- Approved by BOZA
- On Private property (with owners written permission)
- 90 days in one calendar year
- If the 90 days are not consecutive a schedule of when the vendor will be on the property will be required and adherence expected. Changes to the schedule will be approved by BOZA.
- There must be a nearby sponsoring business and merchandise or service offered is an extension of the nearby sponsoring business – connection must make sense to the Board of Zoning Adjustment
- This is not allowed in on street parking spaces unless the street is closed for an event
- The BOZA may establish limits relative to number vendors displays and individual license based on traffic, parking and other safety related issues.

MARCH 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, March 26, 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 Joey Jones 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 Hernandez Crawlspace Repair located at 1510 19th Av. SE Apt 209, property located in an R-4 Multi-Family Residential Zoning District.

CASE NO. 2

Application and appeal of Sonia Ramirez 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 B & B Tree Service located at 1402 Puckett Av. SE, property located in a R-2 Single-Family Residential Zoning District.

CASE NO. 3

Application and appeal of Pamela M. Mathis 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 crafting and jewelry business located at 412 Tammy St. SW, property located in a R-4 Multi-Family Residential Zoning District.

CASE NO. 4

Application and appeal of Olivia Hernandez Torres for a determination as a use permitted on appeal as allowed in Section 25-10 and defined in Article VI, as amended and adopted, of the Zoning Ordinance in order to have a home catering business cooking and delivering food located at 2330 Spring Avenue SW, property is located in a R-2 Single-Family Zoning Residential District.

CASE NO. 5

Application and appeal of Sarah McClendon 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 on line clothing sales located at 1242 Beltline Rd SW Apt #303, property is located in a M-1A Expressway Commercial District.

CASE NO. 6

Application and appeal of Darrius Moore 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 care business located at 2319 Kathy Lane SW, property is located in a R-2 Residential Single-Family Zoning District.

CASE NO. 7

Application and appeal of Teresa Faye Reynolds Satchel for a use permitted on appeal from Section 25-95(a) of the Zoning Ordinance in order to have a nighttime home care for 6 children from 6:00 a.m. till 12:00 a.m. at 2601 Little John Street SW, property is located in a R-2 Residential Single-Family Zoning District.

CASE NO. 8

Application and appeal of Shunetta Roshel Garth 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 non-medical home health business located at 1233 Fremont Street SW, property is located in R-2 Single-Family Residential Zoning District.

CASE NO. 9

Application and appeal of Virginia and Gerald Harbin 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 on-line sales of miscellaneous goods located at 2008 College Street SE, property is located in a R-3 Single-Family Zoning District.

CASE NO. 10

Application and appeal of Gerald Fuller 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 care service located at 3114 Battlement Road SW, property is located in a R-2 Single-Family Zoning District.

CASE NO. 11

Application and appeal of John Wheat for a determination as a use permitted on appeal as allowed in Section 25-11 and as defined in Article I, as amended and adopted, of the Zoning Ordinance to have a Class 1 Restaurant located at 109 2nd Ave NE, property is located in a B-5 Central Business District.

CASE NO. 12

Application and appeal of Ronald Joe Wallace for a 3 foot eastside yard setback located at 2354 Tintagel Dr. SW from Section 25-10.3 (1) c property is located in a R-5 Single-Family Patio Home Residential Zoning District.



St. Paul City - 17th Avenue South

Board of Zoning Adjustment

APPLICANT: Joey Jones ✓
MAILING ADDR 1510 19th ~~SE~~ AVE SE APT 209
CITY STATE ZIP Decatur AL 35601
PHONE 256-600-0303

PROPERTY OWNER Susana Pressacnn ✓
OWNER ADDR 1510 19th ~~SE~~ AVE SE APT 107
CITY STATE ZIP Decatur AL 35601
OWNER PHONE 256-350-2504

ADDRESS FOR APPEAL: 1510 19th ~~SE~~ AVE SE APT 209 ✓

☒ 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)

We are using ^{one room in} our home as the office to work from.
Hernandez crawlspace repair, we use a work truck to
store all tools and materials.

Applicant Name(print) Joey Jones
Signature Joey Jones
Representative Name(print) _____
Signature _____
Date 2-14-19

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

Office Use
Received By bd
Zone R-4
Hearing Date March 26
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 1510 19TH AV SE APT #209



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 ☒

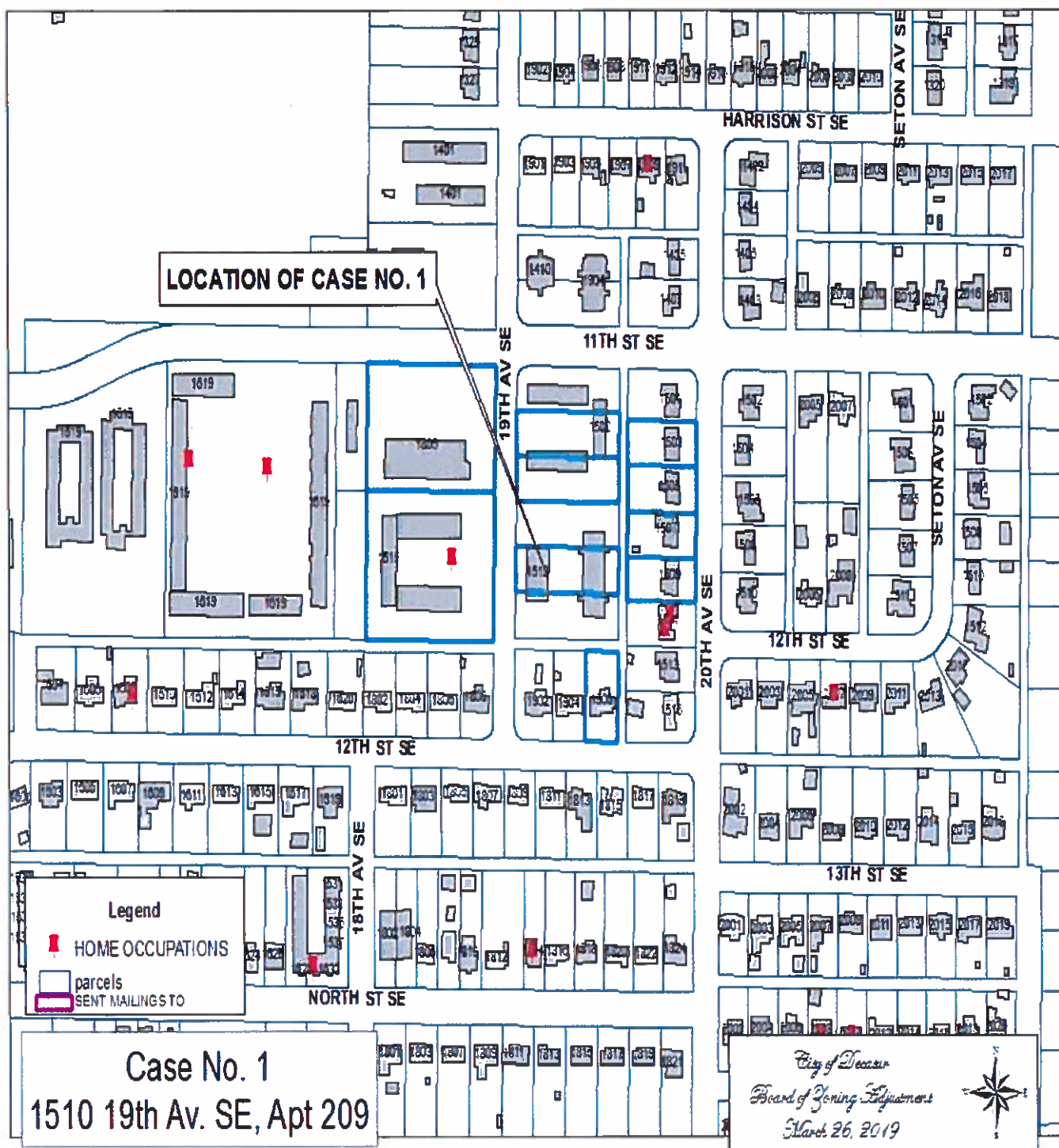
SIGNED: _____

DATE: 2-14-19

ADDRESS: 1510 19th SE APT 209

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

QUESTIONNAIRE





Decatur, Alabama

Board of Zoning Adjustment

APPLICANT: B B B Tree Service
MAILING ADDR: 1402 Puckett Ave SW
CITY STATE ZIP: Decatur, Alabama 35601
PHONE: 256. 706. 1141

PROPERTY OWNER: Sonia Ramirez
OWNER ADDR: 1402 Puckett Ave SW
CITY STATE ZIP: Decatur Alabama
OWNER PHONE: (256) 706. 1141

ADDRESS FOR APPEAL: 1402 Puckett Ave 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)

Will use one room located inside Home for office use only for the purpose of Gutter, Trees, & Roofing.

Applicant Name(print) Sonia Ramirez
Signature [Signature]
Representative Name(print) _____
Signature _____
Date 2/19/19

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

Office Use
Received By bd
Zone R-2
Hearing Date March 26
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 1402 PUCKETT AV 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:

Senia Davis

DATE:

2/19/19

ADDRESS:

1402 Pickett Ave 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



St. Paul City 190-159103-3003

Board of Zoning Adjustment

APPLICANT: Pew Partners Pamela m Mathis
MAILING ADDR 412 Tammy St SW # 3
CITY STATE ZIP Decatur AL 35603
PHONE 256-345-8823

PROPERTY OWNER TomKat Properties
OWNER ADDR 2131 Westmead Dr.
CITY STATE ZIP Decatur AL 35603
OWNER PHONE 256-345-1398

ADDRESS FOR APPEAL: 412 Tammy St SW # 3 Decatur AL 35603

☒ 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 base business - write book and Create
Crafted theme Jars, Jewelry, Items that relate
to Creating the final parts of Creating a book
like book marks etc.... No traffic at home
Admin office ONLY

Applicant Name (print) Pamela m Mathis
Signature Pamela m Mathis
Representative Name (print) _____
Signature _____
Date 2-22-19

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

Office Use
Received By CW
Zone _____
Hearing Date 3/26/19 ^{4:00} p.m.
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. 3 412 TAMMY ST SW APT # 3



HOME OCCUPATION QUESTIONS

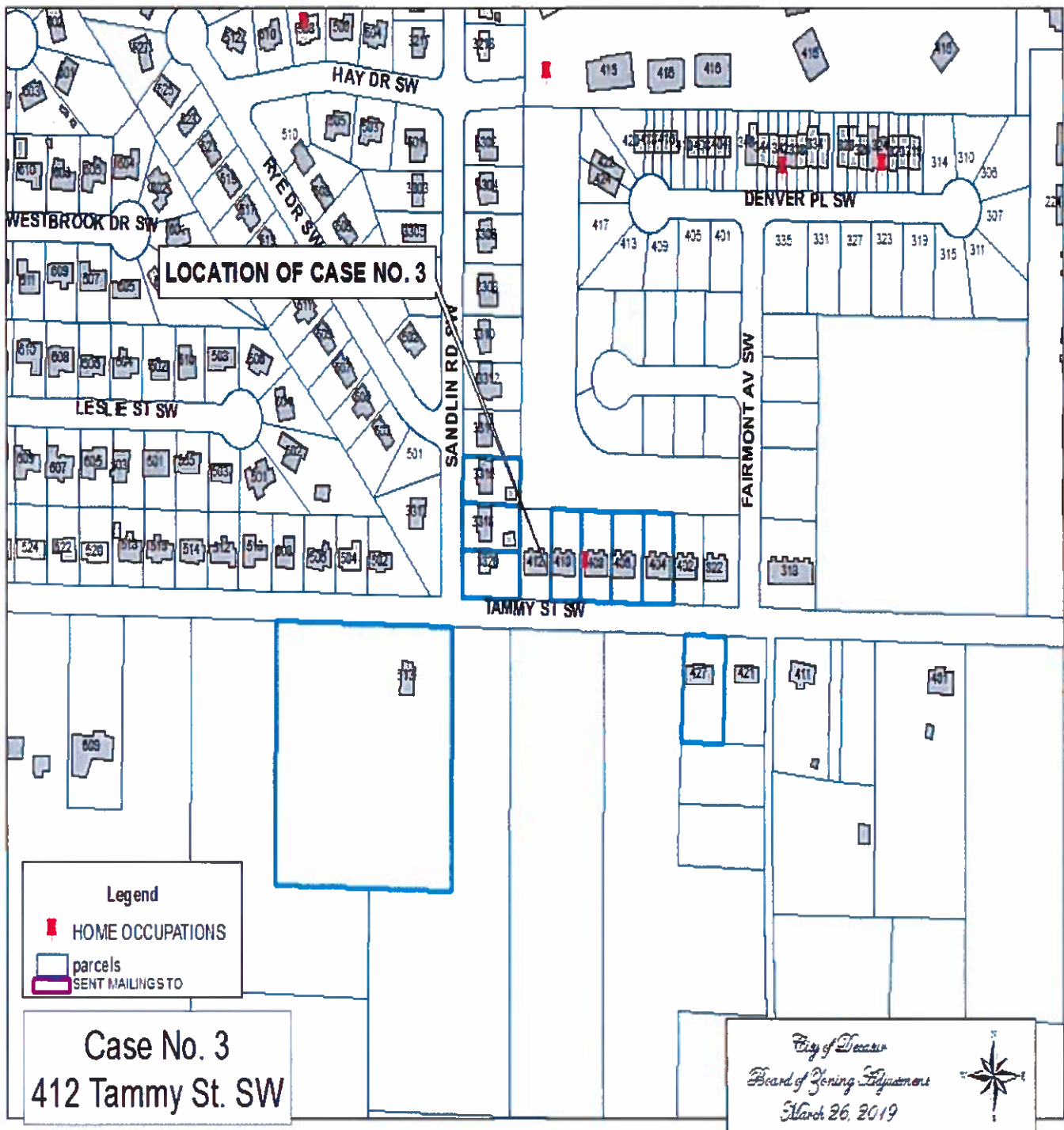
CHECK YES OR NO FOR EACH QUESTION

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 M. Mathis DATE: 2-22-19
ADDRESS: 412 Tammy St SW # 3 Decatur AL 35603

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

QUESTIONNAIRE



March 26, 2019 @ 4:00 p.m.



A Grand City GROWING SOFTLY

Board of Zoning Adjustment

APPLICANT: Olivia Hernandez Torres

MAILING ADDR: 3001 Cornville rd sw

CITY STATE ZIP: Decatur AL 35603

PHONE: 256 466-0106

PROPERTY OWNER: Olivia Hernandez Torres

OWNER ADDR: 2330 Spring ave sw

CITY STATE ZIP: Decatur AL 35601

OWNER PHONE: 256 466-0106

ADDRESS FOR APPEAL: 2330 Spring ave sw Decatur AL 35601

- NATURE OF APPEAL:
- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> HOME OCCUPATION | <input type="checkbox"/> SETBACK VARIANCE | <input 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*****

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

Deliver ~~food~~ to go food. Friday, Saturday, Sunday.
Olivia will cook the food at 2330 Spring ave
SW Decatur AL 35601 and deliver the food to
friends and people that order the food.

Applicant Name(print) Olivia H.T
Signature Olivia H.T
Representative Name(print) Dalia Cienfuegos Jimenez
Signature Dalia Cienfuegos Jimenez
Date _____

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

Office Use
Received By bd
Zone R-2
Hearing Date March 26
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 2330 SPRING AV 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 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: Olivia H.T

DATE: 02-26-2019

ADDRESS: 2330 Spring Avenue SW Decatur AL 35601

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(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE

Many value-added products sold directly to the public in Alabama fall under the Cottage Food Law, which went into effect in June 2014.

Unlike home processed foods that can only be sold at farmers markets, cottage foods may be sold from home or at local state sanctioned farmers markets.

Cottage food **cannot** be sold to the following:

- Restaurants
- Novelty shops
- Grocery stores
- Over the internet

The **only** foods that can be sold directly to the consumer under the Cottage Food Law:

- Baked goods
- Cakes
- Cookies
- Pastries
- Doughnuts
- Danish
- Breads
- Candies
- Jam & Jellies
- Dried herbs
- Dried herb mixes

Foods that **cannot** be sold directly to the consumer:

- Baked goods with an ingredient that requires refrigeration
 - Custard pies, Danish with cream filling
 - Cakes with a whipped topping
- Juices from fruits and vegetables
- Milk products
- Soft or hard cheeses
- Pickles
- Barbecue sauces
- Canned fruits or vegetables
- Garlic in oil
- Meats in any form
- Low-acid or acidified foods

PLACES TO SELL

Home processed products must satisfy all public health, labeling, permitting & other requirements pertaining to processed products and can only be sold at state sanctioned farmers markets.

Since 2009, Chapter 420-3-22.01 of the Rules of Food Establishment Sanitation excludes a kitchen in a private home from the definition of food establishment only if food that is non-potentially hazardous (time or temperature control equivalent) is prepared for sale or service only at state sanctioned Farmers Markets. Home processed products are subject to sales tax.

LABELING

The consumer must be informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen and is not inspected by a regulatory agency, i.e. county or State Health Department.

Label or tag must conform to the size and form of the label below and placed on the product or a placard may be displayed in front of the product that is to be sold.

This item(s) was prepared in a kitchen that is NOT inspected by a regulatory agency.

Chapter 420-3-22.01 effectively excludes Farmers Markets from regulatory requirements of the ADEH regarding non-potentially hazardous home processed foods.

The label of a food in a packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

WHAT THE COTTAGE FOOD LAW

The Cottage Food Law requires the following on labels:

- The product name
- Name of the individuals or business
- Address of the individual or business
- Statement: **THIS FOOD IS NOT INSPECTED BY THE DEPARTMENT OF PUBLIC HEALTH**

Labels may need to be submitted to the local health department for approval prior to selling.

FOOD SAFETY COURSE

- Food businesses or the person operating a food business under the Cottage Food Law must attend and pass a food safety course approved by the Alabama Department of Public Health.
- Certifications must be renewed every 5 years.
- The Alabama Cooperative Extension System offers a course tailored for cottage food entrepreneurs.
- Participants are taught food safety, with particular focus on foods prepared at home, and receive a certificate upon completion that ensures individuals are in compliance with the Cottage Food Law.

A note about sales: Food sales under the Cottage Food Law cannot exceed \$20,000 per year and are subject to state, county and city sales taxes. Businesses are also responsible for paying state and federal taxes on income earned through food sales.

WHAT CAN BE SOLD AT A FARMERS MARKET?

What kind of food can I make at home and sell at a farmers market?

Home processed foods, with the exception of low acid foods, that do not have to be time or temperature controlled for safety can be prepared in a kitchen in a private home and may be sold at state sanctioned Farmers Markets with appropriate labeling.

Examples include:

- Baked breads
- Rolls
- Baked goods
- Cookies
- Cakes
- Beverages
- Pudge
- Double-crust fruit pies
- Traditional fruit jams
- Jellies
- Marmalades
- Pickles
- Jellies
- Candy
- Spices
- Herbs
- Such things such as popovers, casseroles, corn and peanut brittle

What foods **cannot** be made in a home kitchen and sold at a farmers market?

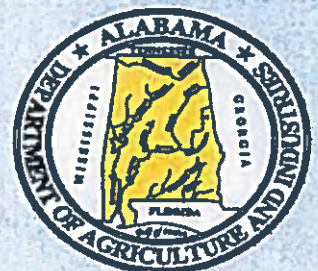
Low acid foods that would need to be refrigerated or otherwise be held under temperature control cannot be offered for sale. Note: Montgomery and Calhoun counties are exempted from this requirement by state statute.

- Examples include: canned vegetables, salsas, stews, soups, sauces and any foods containing meat or other potentially hazardous ingredients

Alabama Department of Agriculture and Industries

Rich Tate
Commissioner

HOME PROCESSED PRODUCTS & COTTAGE FOOD LAW



Farmers Market Authority
Richard Beard Building
1445 Federal Drive
Montgomery, Alabama 36107

Phone: 384-240-7247
Toll Free: 877-774-4579
Email: fma@agri.alabama.gov

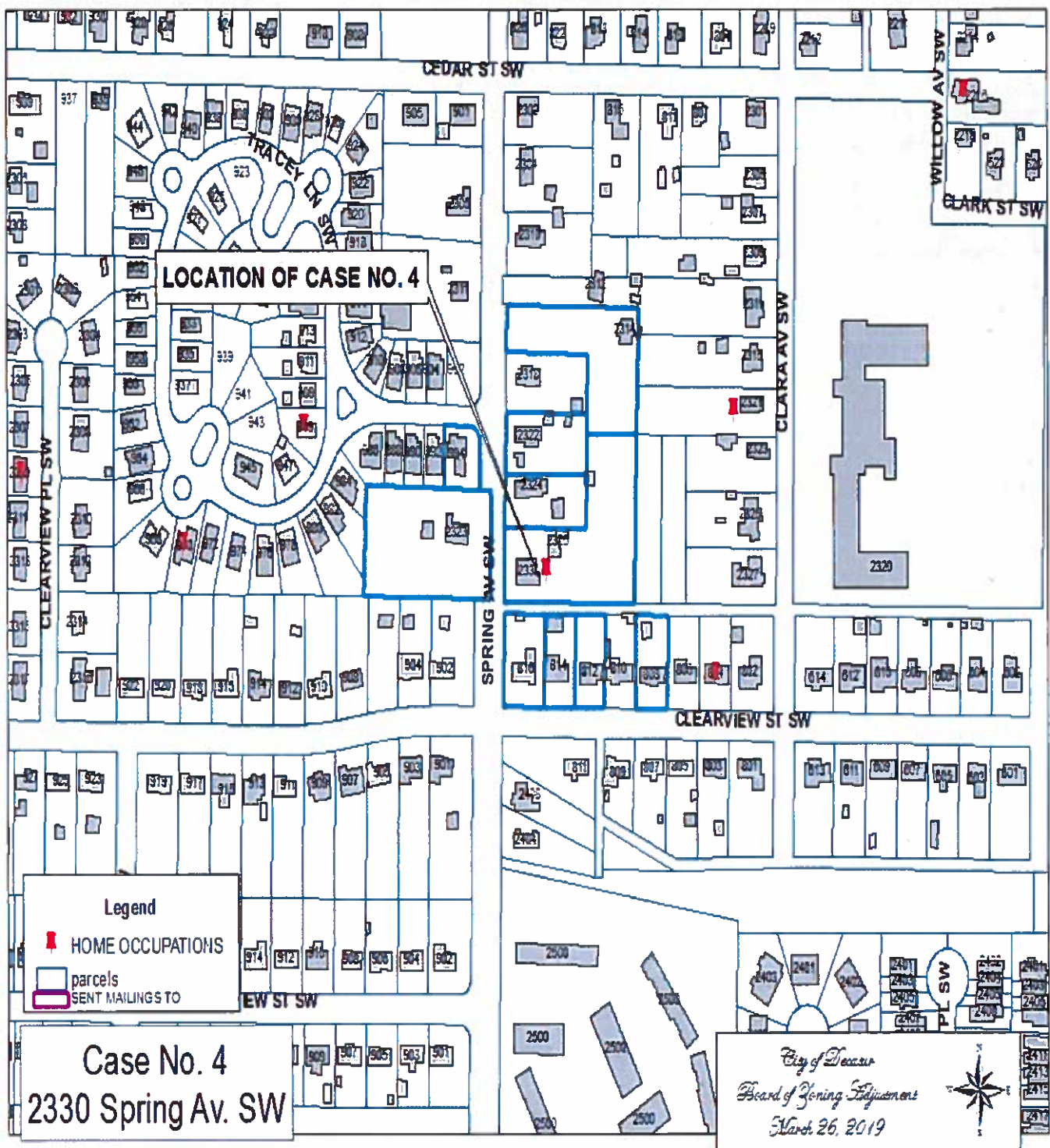
ACIDITY AND pH LEVELS

The acidity of foods is measured by pH.

- The range of pH is commonly considered to extend from zero to 14. A pH value of 7 is neutral because pure water has a pH value of exactly 7. Values less than 7 are considered acidic, while those greater than 7 are considered basic or alkaline.
- All fruits are acidic foods and are usually tart and sour. Ex: tomatoes, lemons, peach, apple, etc.
- The FDA rule for acidic foods states that a food must have a pH below 4.6 to be sold as a commercially processed food.
- The reason for this is bacteria does not grow at this level of acidity.
- The exclusion shall not be construed as allowing the sale of low acid foods (pH > 4.6) in hermetically sealed containers (i.e., home-canned green beans, peas, tomato paste, etc.) when such food is not prepared in a permitted establishment.

FOOD PRODUCT TESTING REQUIREMENTS

- If the pH level is unknown, the finished product will need to be tested at an independent certified food testing laboratory or the laboratory operated by The Alabama Cooperative Extension System at Auburn University.
- A small sample (at least 1 cup) of each product is required. The product must include the following information: Contact Name, Building Address, City/State/Zip, Phone/Fax, Email, Product Name



5

March 26, 2019, 4:00 p.m.



City of Decatur, Georgia

Board of Zoning Adjustment

APPLICANT: Sarah McClellon
 MAILING ADDR: 1242 Beltline Rd #303
 CITY STATE ZIP: Decatur, AL
 PHONE: 256-565-8913

PROPERTY OWNER: The Williams Apt
 OWNER ADDR: 1242 Beltline Rd SW
 CITY STATE ZIP: Decatur AL 35601
 OWNER PHONE: 256-350-1946

ADDRESS FOR APPEAL: 1242 Beltline Rd 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)

For a small business for right now until i see how it will go. Clothing will be what i be selling. One room for admin/pursue for office

Applicant Name(print): Sarah McClellon
 Signature: Sarah McClellon
 Representative Name(print): _____
 Signature: _____
 Date: _____

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

Office Use
 Received By: [Signature]
 Zone: _____
 Hearing Date: 3/26/19
 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 10th of the month to be heard the last Tuesday of the month.

CASE NO. 5 1242 BELTLINE RD SW APT #303



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:

Sarah M. Clendon

DATE:

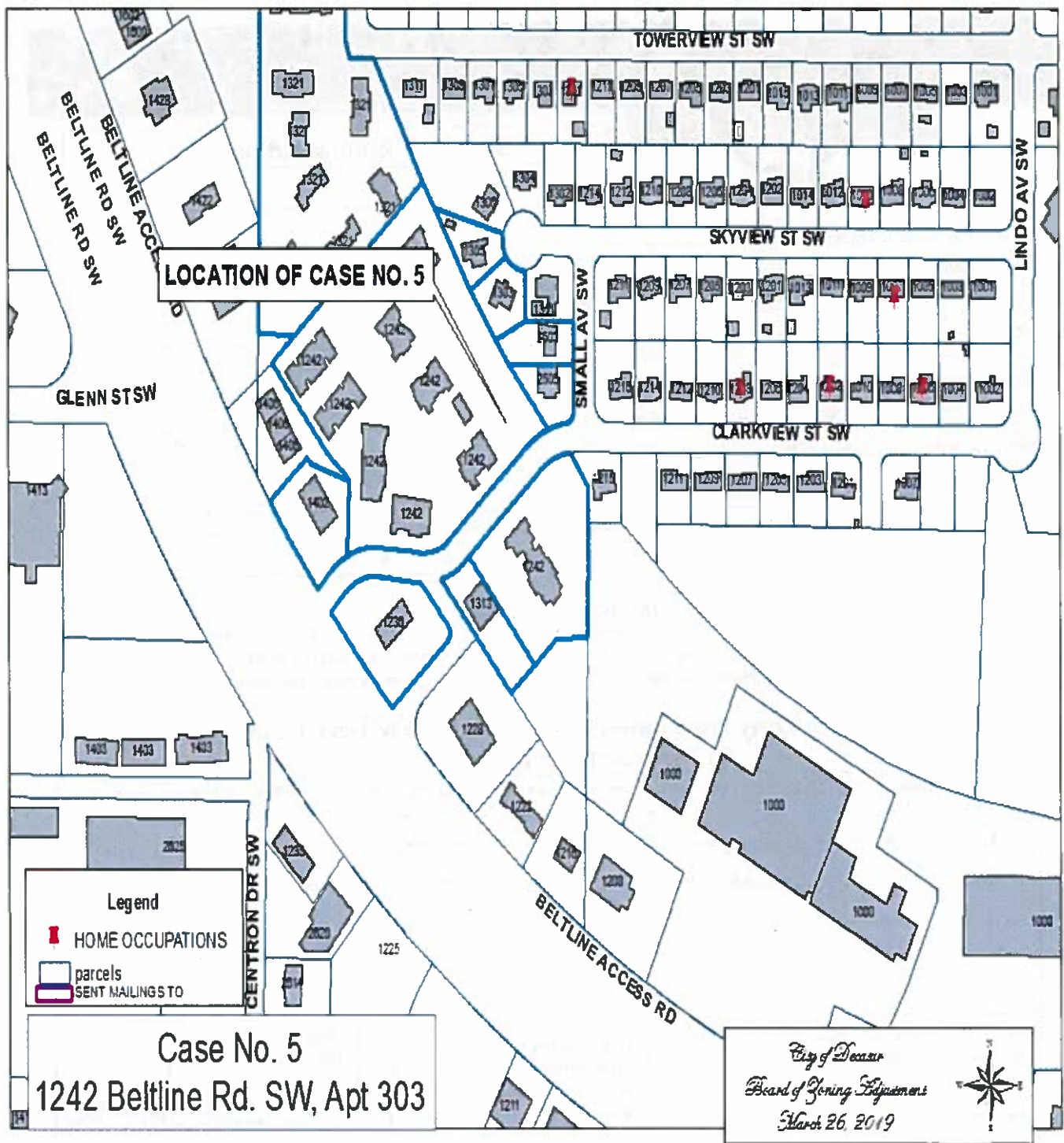
2-28-19

ADDRESS:

1242 Beltline Rd SW Decatur AL 35601

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(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE





of Grand City **ALABAMA**

Board of Zoning Adjustment

APPLICANT: Darris Moore
MAILING ADDR: 2319 Kathy Ln
CITY STATE ZIP: Decatur AL 35603
PHONE: 256-466-1656

PROPERTY OWNER: Darris Moore
OWNER ADDR: 2319 Kathy Ln
CITY STATE ZIP: Decatur AL 35603
OWNER PHONE: 256-466-1656

ADDRESS FOR APPEAL: 2319 Kathy Ln Decatur AL 35603

☒ 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)

Using my home/office for my lawn care business
Equipment will be stored in a shed in my backyard

Applicant Name(print) Darris Moore
Signature [Signature]
Representative Name(print) _____
Signature _____
Date 3-4-19

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

Office Use
Received By [Signature]
Zone _____
Hearing Date 3/26/19 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. 6 2319 KATHY LN 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: _____

Darwin Moore

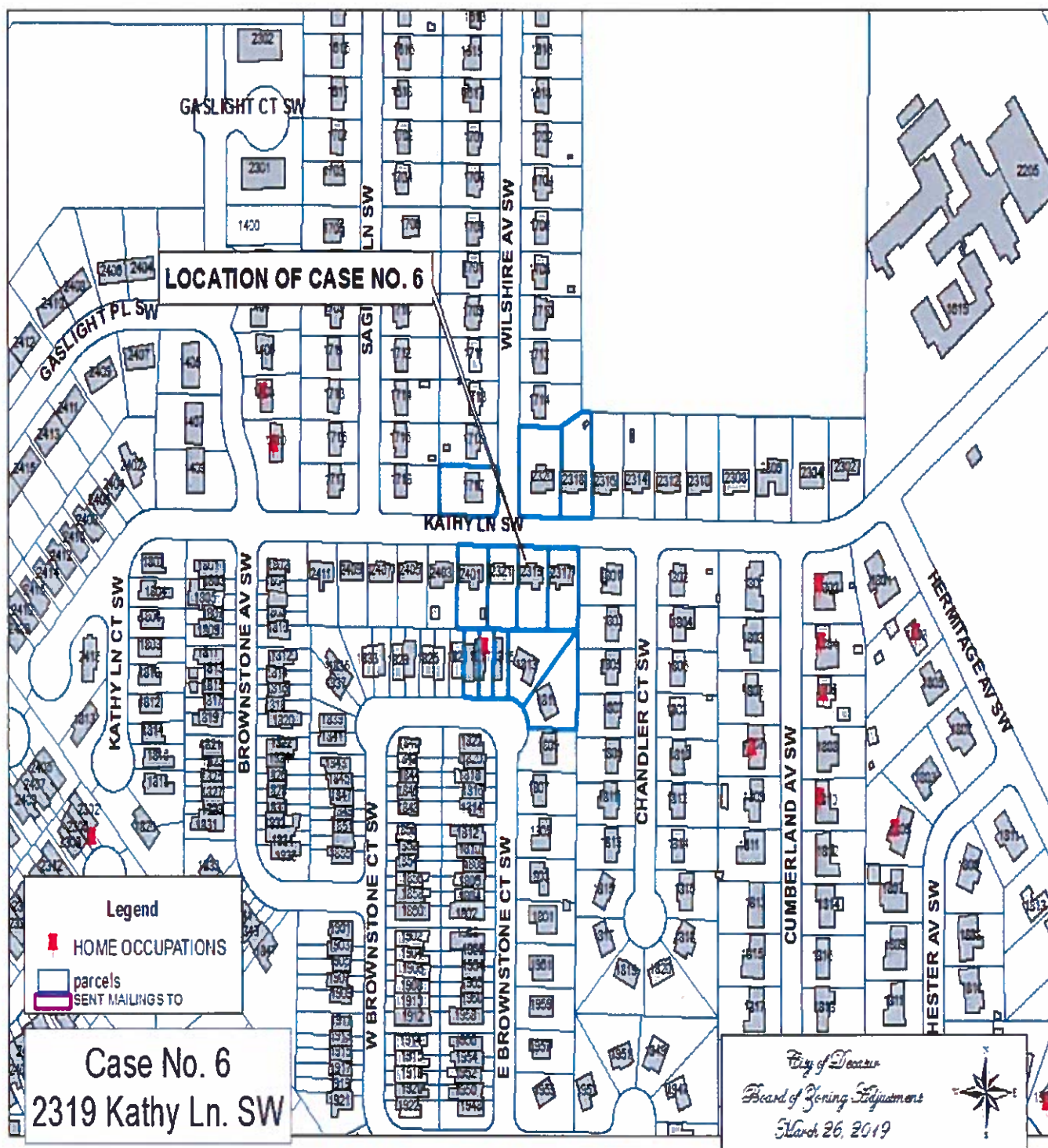
DATE: 3-4-19

ADDRESS: _____

2319 Kathryn Lane Decatur AL

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(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE





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

APPLICANT: Teresa Faye Reynolds Satchel
MAILING ADDR: 2601 Little John St. SW Decatur ✓
CITY STATE ZIP: Decatur AL 35603
PHONE: (256) 221-8664
PROPERTY OWNER: Teresa Faye Reynolds Satchel
OWNER ADDR: 2601 Little John St. SW. ✓
CITY STATE ZIP: Decatur AL 35603
OWNER PHONE: (256) 221-8664

ADDRESS OF APPEAL: 2601 Little John St. SW Decatur AL 35603 ✓

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.

6:00^{am} - 6:00^{pm} 6:00 - 12^{pm}

Parking in driveway and in the circle
Play area and equipment is child safe and
age appropriate.

Yes I have a fence around my backyard.

Teresa F. Satchel

APPLICANT SIGNATURE

Teresa F. Satchel

PRINT NAME

DATE: 2/12/2019

OFFICE USE ONLY

REVIEWED BY: Cidy

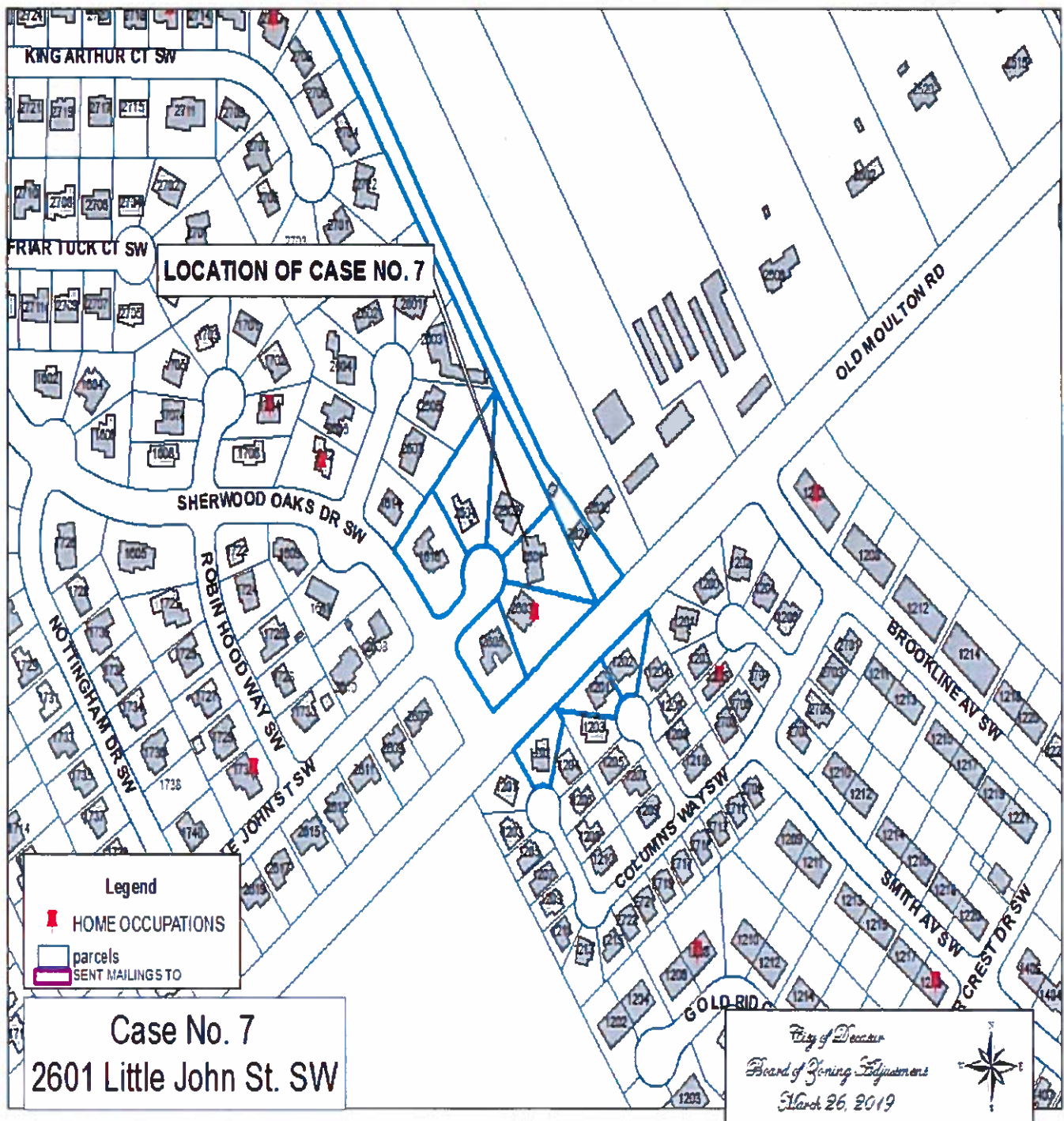
HEARING DATE: 3/26/19 4:00pm.

ZONING DISTRICT: _____

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. 7 2601 LITTLE JOHN ST SW





of Grand City and Hearing Room

Board of Zoning Adjustment

APPLICANT: Shunetta Rashel Gorth
MAILING ADDR: 1233 Fremont St. SW ✓
CITY STATE ZIP: Decatur, AL 35601
PHONE: (256) 476-5539

PROPERTY OWNER: Mr. Mike Jones
OWNER ADDR: P.O. Box 281 ✗
CITY STATE ZIP: Trinity, AL 35673
OWNER PHONE: (256) 565-8240

ADDRESS FOR APPEAL: Shunetta 1233 Fremont St. SW ✓
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)

I would like to use my residential address for my office for my non-medical home health business. No traffic or clients at my home.

Applicant Name(print) Shunetta Gorth
Signature [Signature]
Representative Name(print) N/A
Signature N/A
Date 03-04-2019

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

Office Use
Received By Cindy
Zone _____
Hearing Date 3/26/19 4:00
Approved/Disapproved PAU

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 1233 FREMONT ST SW



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

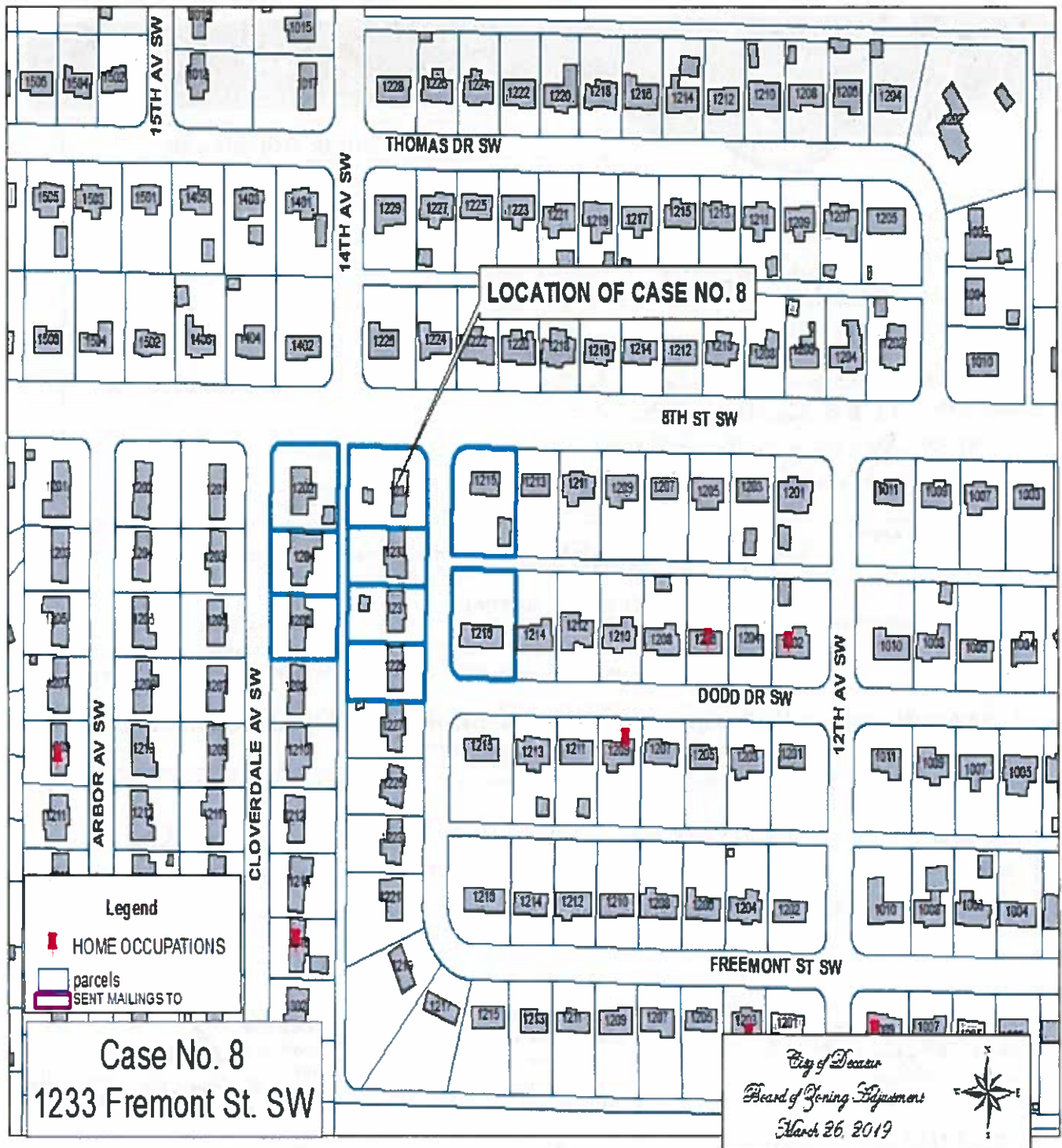
1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
*note: This refers to only the work being done at your home.
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10. Will there be any deliveries to the home 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: Shirley Barth DATE: 3-7-19

ADDRESS: 1233 Fremont St. SW
Decatur, AL 35601

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(256) 341-4500 • www.DecaturAlabamaUSA.com

QUESTIONNAIRE



10

March 26, 2019 4:00 p.m.



At Large City of Decatur, Georgia

Board of Zoning Adjustment

APPLICANT: Virginia & Gerald Harbin
 MAILING ADDR 2008 College St SE
 CITY STATE ZIP Decatur, AL 35601
 PHONE (256) 566-3928

PROPERTY OWNER Virginia & Gerald Harbin
 OWNER ADDR 2008 College St SE
 CITY STATE ZIP Decatur, AL 35601
 OWNER PHONE (256) 566-3928

ADDRESS FOR APPEAL: 2008 College 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)

Want to use 1 room in home for on line sales administrative. Sales will be clothing, small appliances & home decor.

Applicant Name (print) Virginia Harbin
 Signature Virginia Harbin
 Representative Name (print) _____
 Signature _____
 Date 3/5/19

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

Office Use
 Received By Amy
 Zone _____
 Hearing Date March 26, 2019
 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. 9 2008 COLLEGE ST SE



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

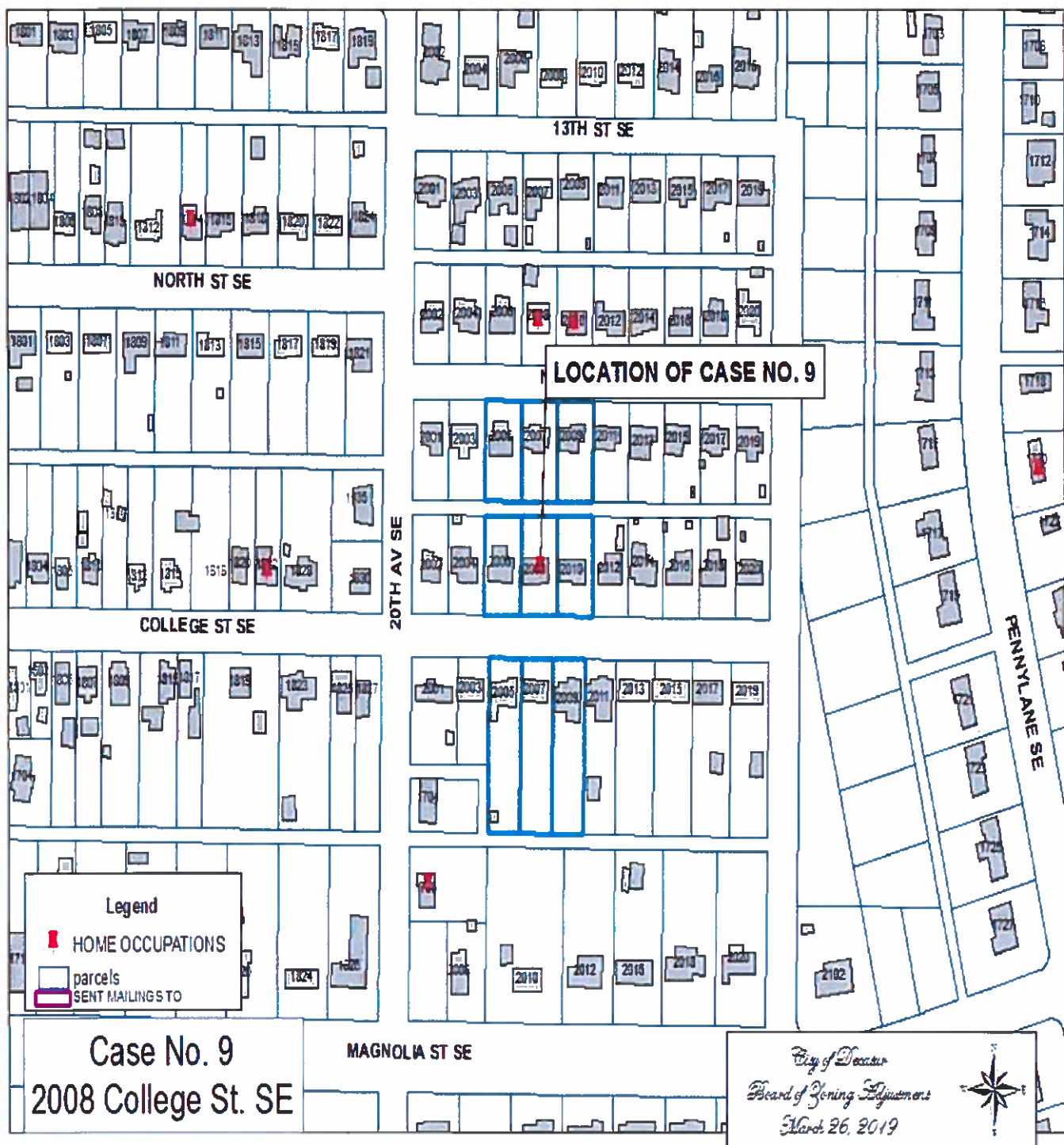
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9. Will this home occupation result in increased parking demands? YES ☐ NO ☒
10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, FedEx, Airborne Freight? YES ☐ NO ☒
11. Will there be any employees of this home occupation other than members of the family living in the home? YES ☐ NO ☒

SIGNED: Virginia A. Hall DATE: 3/5/19

ADDRESS: 200 E College St SE 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





City of Decatur - GEORGIA

Board of Zoning Adjustment

APPLICANT: Gerald Fuller
MAILING ADDR: 3114 Battlement Rd SW
CITY STATE ZIP: Decatur, AL 35603
PHONE: 256-565-5874

PROPERTY OWNER: Gerald Fuller
OWNER ADDR: 3114 Battlement Rd SW
CITY STATE ZIP: Decatur, AL 35603
OWNER PHONE: 256-565-5874

ADDRESS FOR APPEAL: 3114 Battlement Rd SW Decatur, AL 35603

☒ 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)

Lawn care Service Office only

Equipment stored in garage

Applicant Name(print) Gerald Fuller
Signature Gerald Fuller
Representative Name(print) _____
Signature _____
Date 5-6-19

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

Office Use
Received By Cindy
Zone _____
Hearing Date 3/26/19 4:00
Approved/Disapproved pass

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. 10 3114 BATTLEMENT RD SW



HOME OCCUPATION QUESTIONS

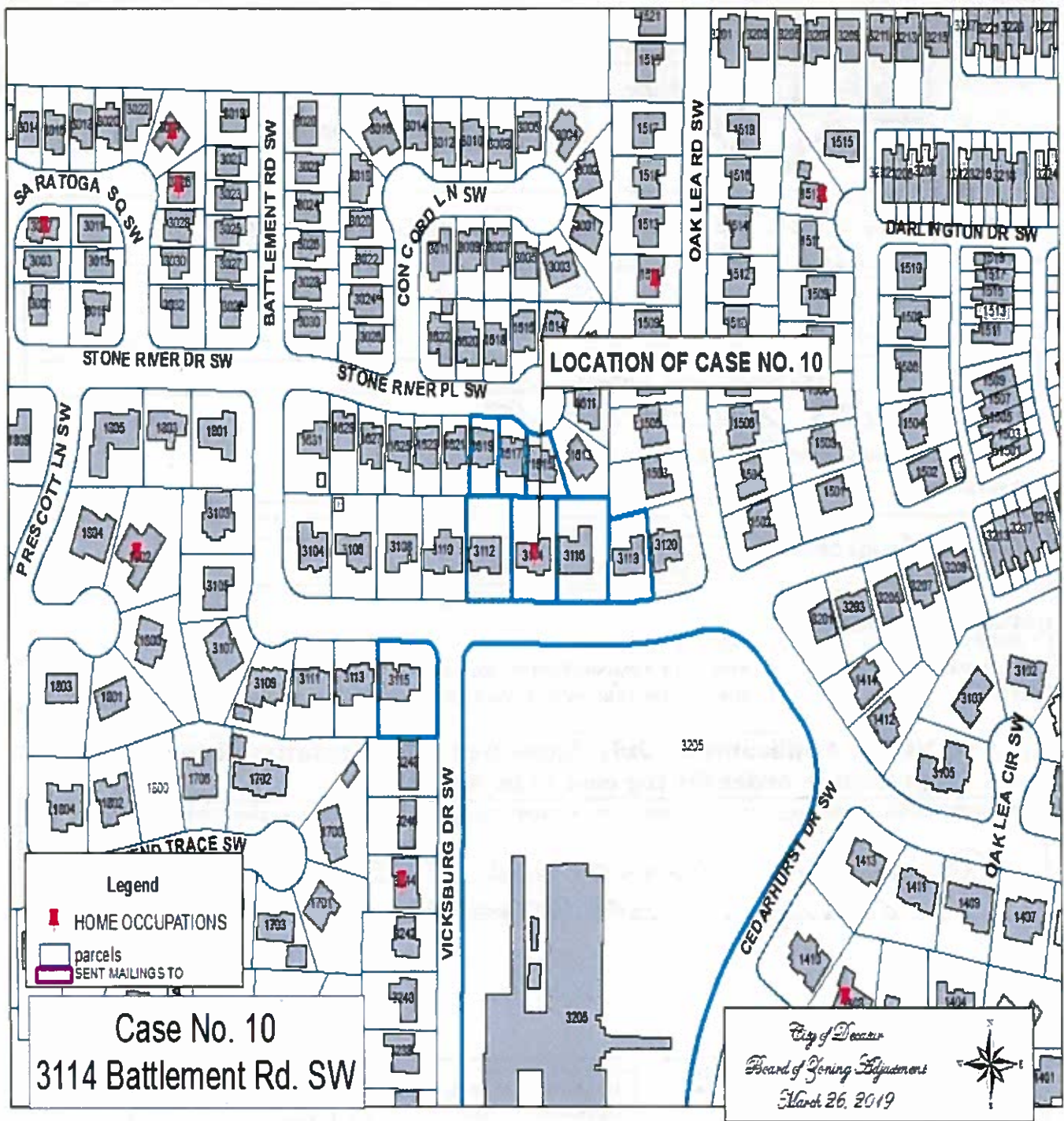
CHECK YES OR NO FOR EACH QUESTION

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: Gerold Fuller DATE: 3-6-19
ADDRESS: 3114 Battlement Rd s.w Decatur, Al 35603

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

QUESTIONNAIRE





Small Town on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: John Wheat Owner: Josie's
MAILING ADDR: 109 2ND AVE. NE
CITY STATE ZIP: DECATUR, AL. 35601
PHONE: 256-565-6025

PROPERTY OWNER: Bingham Edwards
OWNER ADDR: 123 Lee Street NE
CITY STATE ZIP: DECATUR, AL. 35601
OWNER PHONE: _____

SUBJECT ADDRESS FOR APPEAL: 109 2nd Ave. NE

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

PLEASE NOTE Applicants or Duly Appointed Representative, listed above 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)

Requesting Class one Restaurant
License. SEE ATTACHED

Applicant Name(print) John Wheat
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 _____
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 in the BUILDING DEPARTMENT by the 10th of the month to be heard the last Tuesday of the month.

CASE NO. 11 109 2ND AV NE

①

From: Smith, Karen <kjsmith@decatur-al.gov>
Subject: FW: BOZA APPLICATION 2015.docx
Date: March 5, 2019 at 12:51 PM
To: John Wheat <jrwheat@decaturbrewing.com>, Christy Wiley (hazewiley@gmail.com) <hazewiley@gmail.com>
Cc: Smith, Karen <kjsmith@decatur-al.gov>, Whiteside, Nancy <NVWhiteside@decatur-al.gov>

KS

Good Afternoon John and Christy, please get this filled out and turned in to the building department no later than Friday morning (if you want to do this in March) with a check for \$50.00.

You will be asking for permission to have a Class 1 Restaurant as permitted in the subparagraph entitled Uses permitted on appeal of Subsection entitled B-5 (central Business District) of Section 25-11 of the Zoning Ordinance. The other materials should be attached to the application.

Please let me know if I can help you move this forward.

Karen

From: Whiteside, Nancy <NVWhiteside@decatur-al.gov>
Sent: Tuesday, March 5, 2019 12:16 PM
To: Smith, Karen <kjsmith@decatur-al.gov>
Subject: BOZA APPLICATION 2015.docx



BOZA
APPLIC...5.docx



I am applying for (business name) Josie's to obtain a Use Permitted on Appeal to operate a Class 1 Restaurant in a BS Zoning District in the City of Decatur.

I am John Wheat (Title) owner of Josie's

located at 109 2nd AVE. NE. The named applicant will be required to be at the Board of Zoning Adjustment Meeting (date) 3-26-19 4:00pm

- The normal operating hours of this business are: 11:00AM - 1:00AM
- Will there be changes to the layout of the existing building (interior or exterior including any approved sidewalk café)? ☒ Yes ☐ No. If yes please attach a drawing of all proposed changes to this application.
- If this is a new business please provide a site plan showing the proposed site including any outdoor dining and exits from the business. Please show any proposed sidewalk cafes areas. If a sidewalk cafe is desired it will need a separate approval.
- Will this business have music?
 - Please describe plans to provide sound proofing to comply with Section 16-9.1 of the Code of Decatur. Attach plans to this application if applicable.
 - Do you understand that all entertainment must be contained on the premises of this business (there is no music allowed in the sidewalk café areas) unless approval is requested and approved for a special event. ☒ Yes ☐ No
- Do you understand the definition of a meal as provided in the code of Alabama and the City of Decatur? Will you be in compliance? ☒ Yes ☐ No. Please provide a copy or describe your proposed menu.
- Do you understand that you will be required to serve a minimum of 1 meal per day for 5 days a week? ☒ Yes ☐ No
- Do you understand that you will be required during any ninety-day (90) period, to report the gross receipts from the serving of meals and food. The receipts shall not constitute less than thirty (30) percent of the total gross receipts of the business? ☒ Yes ☐ No
- Do you understand the minimum requirements for an Alabama Alcoholic Beverage Control Board on-premises license, which you are required to meet? ☒ Yes ☐ No
- Do you plan to restrict access by minors as defined in the Code of Alabama pertaining to alcohol? ☒ Yes ☐ No. If so, how will this be accomplished and enforced?

I certify the above information is correct, and that all requirements of Sections 16 9.1, Chapter 25, Chapter 2.5 and other applicable chapters or sections of the Code of Decatur, Alabama have been met and will continue to be met. Failure to do so may result of revocation of this Use Permitted on Appeal.

Signed [Signature] Date 3-13-19

CITY COMPLETE

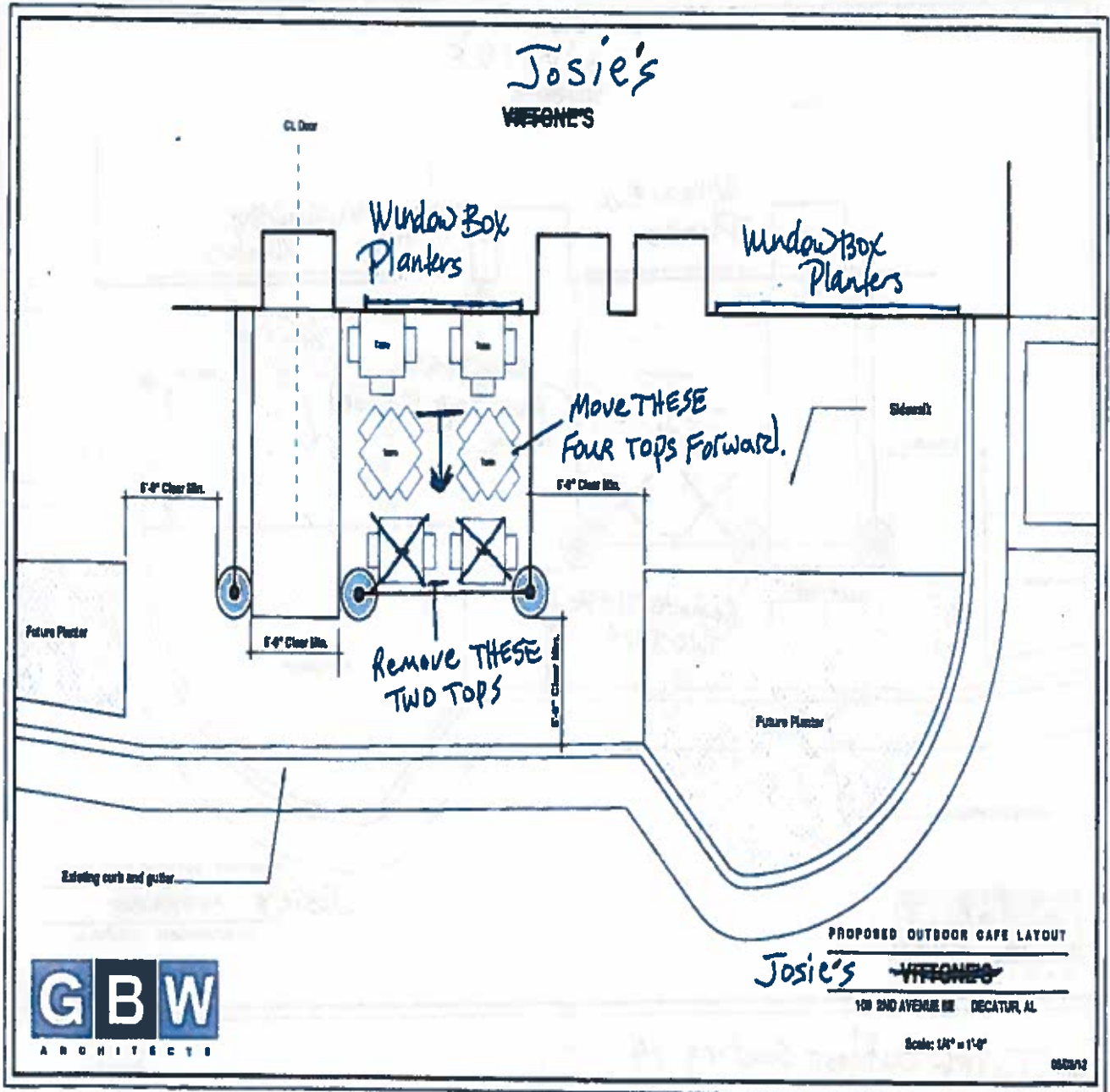
Distance from church _____ Public or Private school _____ Elementary or Secondary _____

Distance from entrance to public parking lot access within: 100 feet _____ 300 feet _____ 500 feet _____

Distance to closet residential zone: _____

Verify zoning district _____

CLASS 1 RESTAURANT APPLICATION

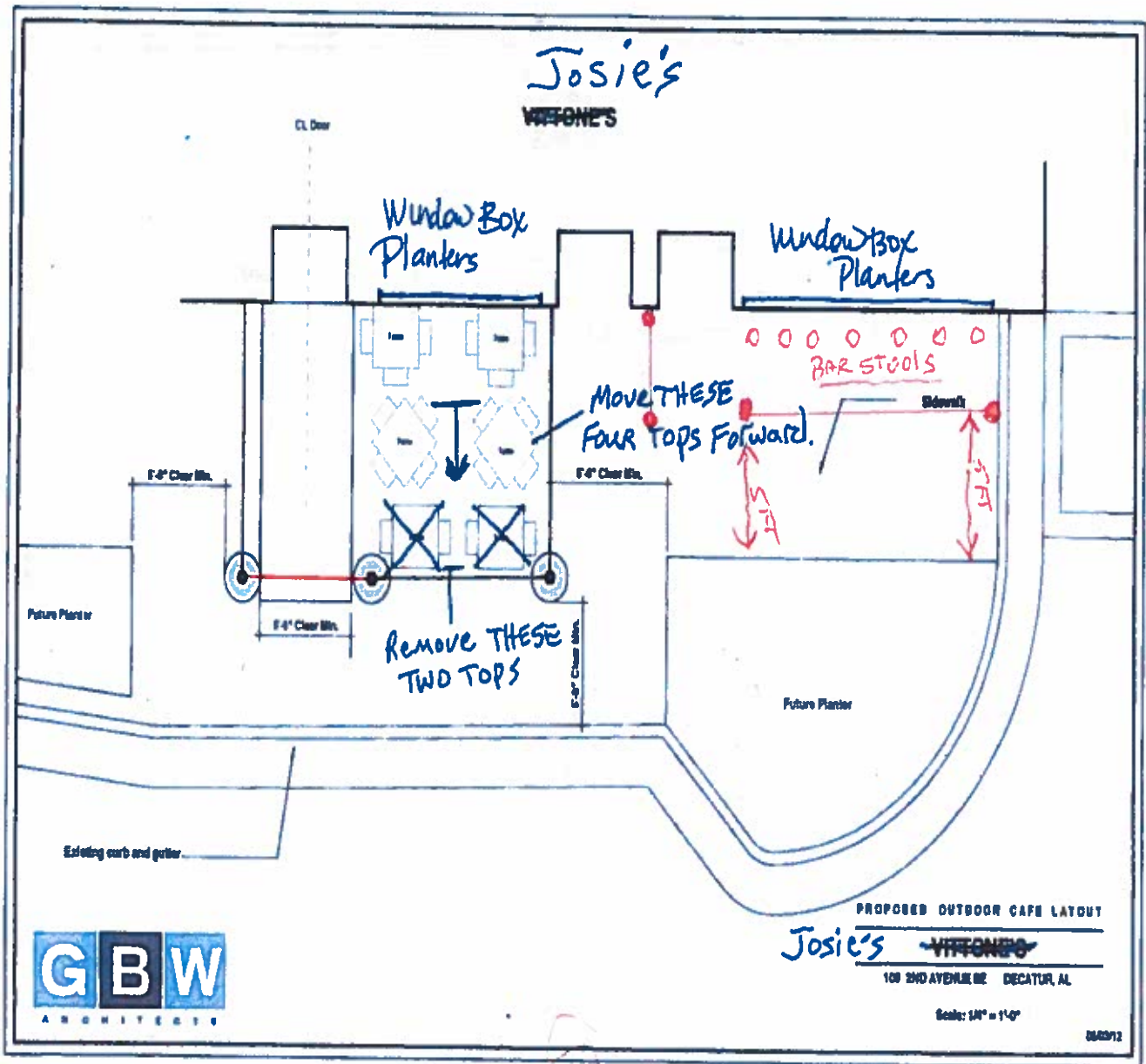


TOTAL outdoor seating 14

Current Site Plan

CURRENT SITE PLAN

PROPOSED CHANGES TO SIDEWALK CAFE



TOTAL outdoor seating 14 (21)

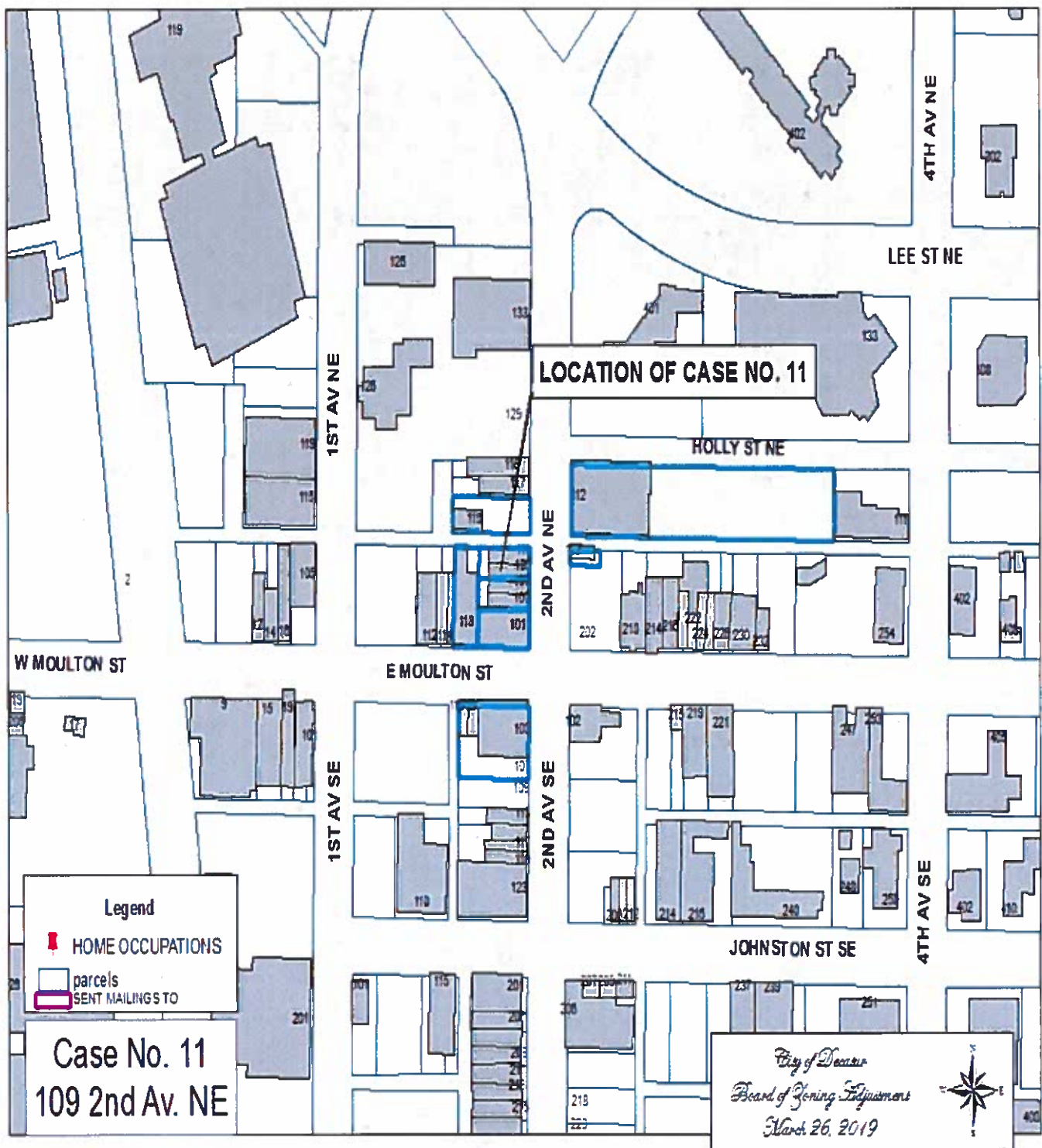
New Proposal February 2019



City of Decatur Department of Development

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.

AERIAL VIEW



ORDINANCE NO. _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA as follows:

Section 1. That Section 25-2 of the Code of Decatur, Alabama is hereby amended by adding a Subparagraph (28A) Restaurant; definition for restaurant retail liquor licensing purposes, which reads as follows:

"(28A) Restaurant; definition for restaurant retail liquor licensing purposes. Definition is the same as contained in Section 2.5-1 of this Code."

Section 2. That Section 25-9.1 of the Code of Decatur, Alabama is hereby amended to read as follows:

"Section 25-9.1

Notwithstanding provisions to the contrary set forth in this chapter, subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:

- (1) Off-premises sale of beer and table wine; and
- (2) Except for Restaurants located within a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases:
 - a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes;
 - b. Where the licensed premises and the church or school front on different streets and do not have common exits or driveways providing access;
 - c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or

- (3) For premises located in a B-5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class 1 restaurants and, class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than twenty five (25) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply. However, no alcoholic beverages can be served or consumed in the exterior part of the building adjacent to a church or school.

Furthermore, where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply. When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question."

Section 3. That the Subparagraph entitled Uses permitted on appeal of the Subsection entitled B-5 (Central Business District) of Section 25-11 of the Code of Decatur, Alabama is hereby amended to read as follows:

"Uses permitted on appeal: Restaurants; Class 1 Restaurants with the intent that possible impacts on nearby citizens who live or have businesses should be addressed during the Board of Zoning Adjustment hearing process; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments other than any classification of Restaurant which have monthly gross receipts from the serving of meals and food that constitute at least (60%) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a use permitted on appeal for a residential use; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that Chapter, as last amended; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted."

Section 4. This Ordinance shall take effect immediately upon its approval and publication as provided by law.

ADOPTED this _____ day of _____ 2018

Authenticated:

Stacy Gilley, City Clerk

Approved this _____ day of _____ 2018

Tab Bowling, Mayor

21



A Grand City - THE HEART OF ALABAMA

Board of Zoning Adjustment

APPLICANT: Ronald Joe Wallace
MAILING ADDR: 3504 Shady Oaks Court, SW
CITY STATE ZIP: Decatur, AL 35603
PHONE: (256) 318-0381

PROPERTY OWNER: Ronald Joe Wallace
OWNER ADDR: 2354 Tintagel Drive
CITY STATE ZIP: Decatur, AL 35603
OWNER PHONE: (256) 318-0381

ADDRESS FOR APPEAL: 2354 Tintagel Dr. SW Decatur, AL

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 asking for a 3' variance to the right side of our lot because the house on our right has been built 5' from the property line instead of 8' from property line. We have had a plan drawn and the house is already sold for that lot. House cannot be moved to the left because of driveway.

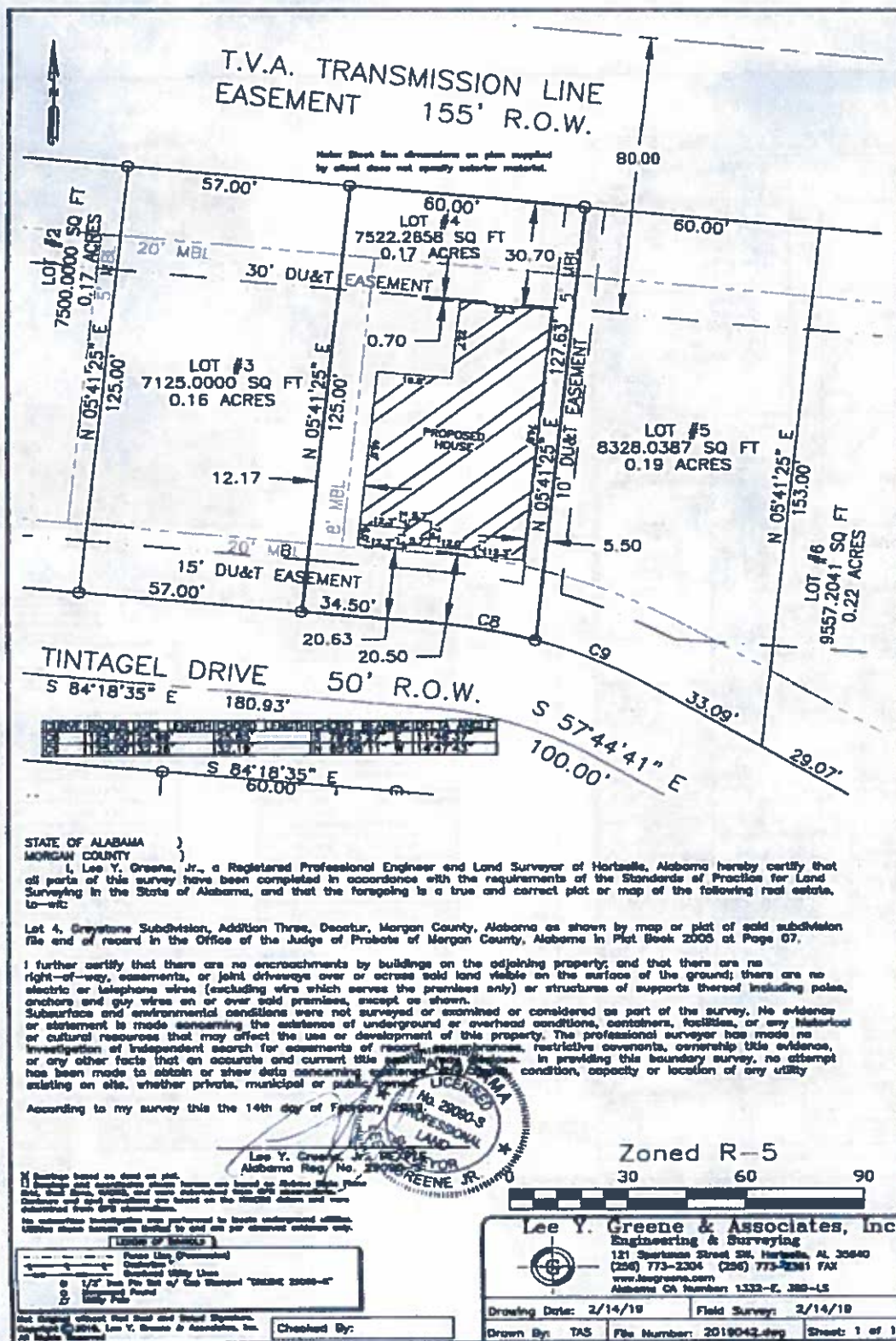
Applicant Name(print): Ronald J. Wallace
Signature: Ronald J. Wallace
Representative Name(print):
Signature:
Date: 2-18-19

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

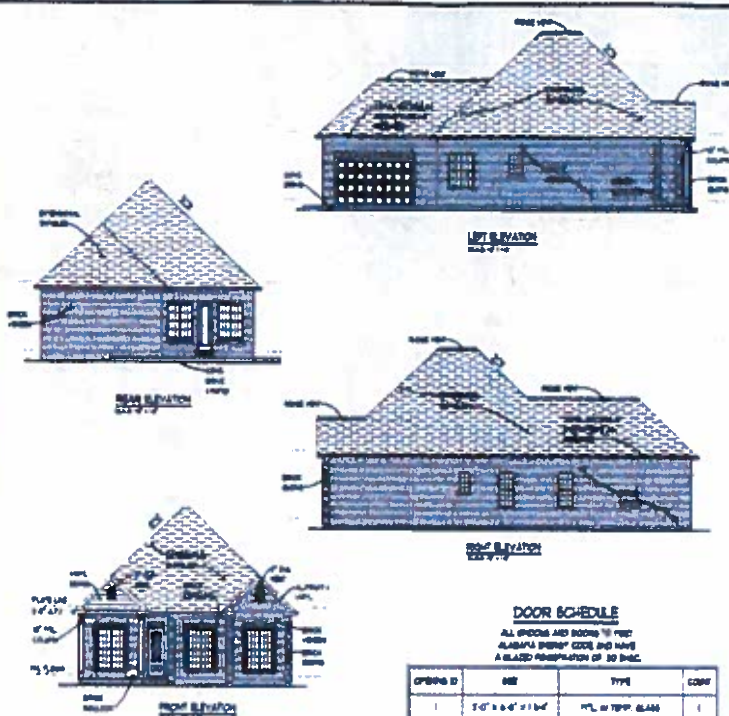
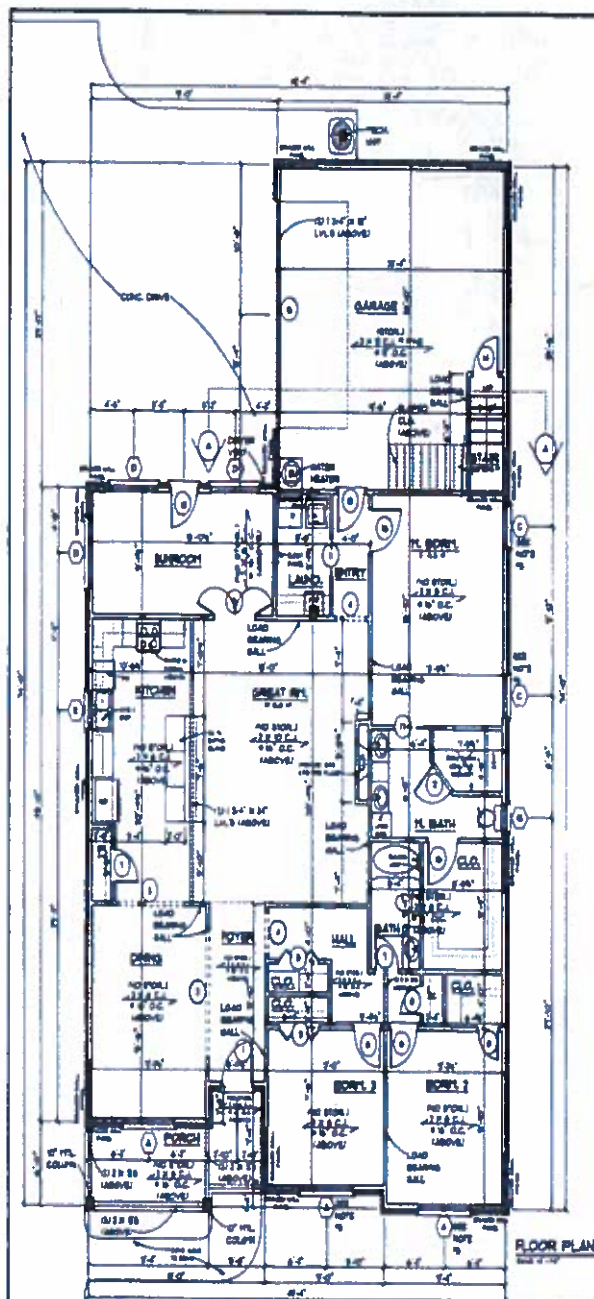
Office Use
Received By: Cidy
Zone:
Hearing Date: 3/26/19 4:00 PM
Approved/Disapproved:

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 12 2354 TINTAGEL DR SW



SURVEY



DOOR SCHEDULE

ALL SPOONS AND DOORS MUST
ALWAYS BEHAVE GOOD AND HAVE
A SLIGHT POSSESSION OF 30 INCH

OPENING ID	SIZE	TYPE	COUNT
1	5'-0" x 6'-0" x 1'-0"	PYL. w/ TOPP. GLASS	1
2	5'-0" x 6'-0"	CASED OPENING	1
3	5'-0" x 7'-0"	CASED OPENING	1
4	5'-0" x 6'-0"	CASED OPENING	1
5	0'-0" x 5'-0" x 1'-0"	WENT SHALES	2
6	7'-0" x 6'-0" x 1'-0"	WENT PANEL	1
7	5'-0" x 6'-0" x 1'-0"	WENT PANEL	1
8	7'-0" x 6'-0" x 1'-0"	WENT PANEL	1
9	0'-0" x 6'-0" x 1'-0"	SET OF WALL THIPPED GLASS	1
10	5'-0" x 6'-0" x 1'-0"	PYL. w/ WALL THIPPED GLASS	1
11	5'-0" x 6'-0" x 1'-0"	WENT POCKEY	1
12	7'-0" x 6'-0"	FRAMLESS GLASS	1
13	5'-0" x 6'-0" x 1'-0"	PYL. GOLD CORN	1
14	5'-0" x 6'-0" x 1'-0"	WENT PANEL	1
15	6'-0" x 7'-0"	PYL. 2-PIECEHEAD	1
16	5'-0" x 6'-0" x 1'-0"	WENT PANEL	1
17	5'-0" x 6'-0" x 1'-0"	WENT POCKEY	1

WINDOW BOULE

ALL WINDOWS AND DOORS TO BE
ALWAYS KEPT OPEN AND NOT
CLOSED FOR PROTECTION OF 30 MIN

Operator	Size	Type	Count
A	$128^2 \times 2 \times 2$	uint, double word	1
B	$128^2 \times 2 \times 2$	uint, double word	1
C	$128^2 \times 2 \times 2$	uint, double word	2
D	$128^2 \times 2 \times 2$	uint, double word	1
E	$128^2 \times 2 \times 2$	uint, double word	1

NOTES

7. EXISTING BRACKETS TO BE 5'-4" BRACKETS NOTED IN DRAWING.
8. ALL BRACKETS TO BE 5'-4" BRACKETS NOTED IN DRAWING.
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17. ALL BRACKETS TO BE 5'-4" BRACKETS NOTED IN DRAWING.
18. ALL BRACKETS TO BE 5'-4" BRACKETS NOTED IN DRAWING.
19. ALL BRACKETS TO BE 5'-4" BRACKETS NOTED IN DRAWING.
20. ALL BRACKETS TO BE 5'-4" BRACKETS NOTED IN DRAWING.

NAME	AGE
HEAVY AREA 2% ROCK	171.5
FRONT PORCH	100.5
REAR PORCH	100.5

LOT 4, GNEYSIDE ADD. II	
7314 INTAGLE DRIVE	
BLDG. 1 - 1 - 270	BLDG. 2 - 1 - 270
WALLACE CONTRACTING & DESIGN	
OWNER: WALLACE CONTRACTING & DESIGN	BLDG. 3 - 1 - 270

