

BOARD OF ZONING ADJUSTMENT

AGENDA

JUNE 2019

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MINUTES MAY 2019

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

SUPERNUMERARIES: Rev. George Allen, Jr.

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 acknowledged they understood the rules and regulations.

The minutes from the April meeting were approved without any changes. Mr. Thomas Rossi motioned to approve the minutes. Ms. Delayne Dean seconded the motion. On a voice vote the motion carried.

CASE NO. 1

Application and appeal of Shannon X. Steele 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 janitorial business located at 1214 8th St. SW, property is located in a R-2 Single Family Residential District.

Mr. Shannon Steele presented this case to the Board. Mr. Steele stated his address was 1214 8th St SW. Mr. Steele stated he would like to use one room in his house as an administrative office for his cleaning business.

Chairman, Charles Taylor asked Mr. Steele if he heard and understood all of the restrictions for the home occupations which were stated at the start of the meeting. Mr. Steele replied he understood.

Chairman, Charles Taylor asked for questions from the Board.

Ms. Delayne Dean asked Mr. Steele if the property owner is aware of his intent to operate a home business from this address. Mr. Steele replied the property owner was aware.

Rev. George Allen asked about chemicals with which Mr. Steele would be working with for his business. Mr. Steele stated he would have small quantities only at this time.

Chairman, Charles Taylor asked for further questions.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Ms. Delayne Dean motioned to approve this case. Rev. George Allen seconded the motion. On a roll-call vote the motion carried.

CASE NO. 2

Application and appeal of Paulina Loaeza Parra 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 1510 19th Av SE, Apt #209 property is located in a R-4 Multifamily Residential District.

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

CASE NO. 3

Application and appeal of Jennifer Tavaréz 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 masonry business located at 1518 Olive St. SE, property is located in a R-4 Multifamily Residential District.

Ms. Jennifer Tavaréz presented this case to the Board. Ms. Tavaréz stated her address was 1518 Olive St SE. Ms. Tavaréz stated she would like to use one room in her home for her masonry business.

Chairman, Charles Taylor asked for questions from the Board.

Mr. Thomas Rossi asked where her supplies would be stored.

Ms. Tavaréz stated all of her supplies would be kept at the client's property. Ms. Tavaréz stated no supplies would be purchased until the job was scheduled.

Mr. Collis Stevenson asked Ms. Tavaréz who estimated the materials she would need for the projects. Ms. Tavaréz stated her father helped her with the estimates as her assistant.

Mr. Thomas Rossi verified that Ms. Tavaréz understood the questions presented at the start of the meeting. Ms. Tavaréz stated she understood and her employees always met her at the job site.

Chairman, Charles Taylor stated to the audience that the questions are asked so each applicant understands that their neighbors should not be able to tell that a business is being run out of the home.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, recommended approval.

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

CASE NO. 4

Application and appeal of Courtney Bolden for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a painting business located at 413 Denver Place SW, property is located in a R-5 Single Family Patio Home Residential District.

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

CASE NO. 5

Application and appeal of Gustava A. Valero Bahena 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 post construction cleaning service located at 942 Spring Court SW, property is located in a R-2 Single Family Residential District.

Mr. Bahena presented this case to the Board. Mr. Bahena stated his address was 942 Spring Ct SW. Mr. Bahena stated he wanted to use one room in his house for his post construction cleaning service. Mr. Bahena stated he would keep his equipment in his kitchen.

Chairman, Charles Taylor asked for questions from the Board.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Mr. Collis Stevenson motioned to approve this case. Ms. Delayne Dean seconded the motion. On a roll call vote the motion carried.

CASE NO. 6

Application and appeal of Charles Harris for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an on-line garment sales business located at 304 Memorial Dr. NW, property is located in a R-3 Single Family Residential District.

Mr. Charles Harris presented this case to the Board. Mr. Harris stated his address was 304 Memorial Dr. NW. Mr. Harris stated he would like to use one room in his house for his t-shirt business.

Chairman, Charles Taylor asked Mr. Harris if he would deliver the garments to the customer. Mr. Harris stated he would take the t-shirts to the customers.

Ms. Delayne Dean asked Mr. Harris if he ordered the t-shirts or if he made the t-shirts. Mr. Harris stated he pre-ordered then put the design on the t-shirts.

Ms. Delayne Dean verified that the t-shirts would be delivered by common carrier. Mr. Harris stated yes.

Chairman, Charles Taylor verified Mr. Harris understood no customers could come to his home and that the neighbors could not be able to tell a business was being run from his home. Mr. Harris stated he understood.

Mr. Herman Marks, Legal Department, asked Mr. Harris how someone could find him to purchase a t-shirt from him. Mr. Harris stated he used social media.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, asked Mr. Harris if he had a web page. Mr. Harris replied only Facebook® or Instagram®. Mrs. Karen Smith asked if anyone could go to his home and order a t-shirt. Mr. Harris stated no one could come to his home.

Mrs. Karen Smith, Planning Department, recommend approval.

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

CASE NO. 7

Application and appeal of Shelby Sasser for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an event planning business located at 1503 Pennylane SE, property is located in a R-2 Single Family Residential District.

Ms. Shelby Sasser presented this case to the Board. Ms. Sasser stated her address was 1503 Pennylane SE. Ms. Sasser stated she would like to use one room in her home for administrative purposes for her event planning business.

Chairman, Charles Taylor asked Ms. Sasser how she obtained her customers. Ms. Sasser stated she used social media and by word of mouth.

Chairman, Charles Taylor verified that customers did not go to her home. Ms. Sasser stated she met clients at other venues such as coffee shops and such.

Chairman, Charles Taylor asked for questions from the Board.

Mr. Thomas Rossi asked if she had items to store such as tables and things of that nature. Ms. Sasser stated no she was just the designer and event planner.

Rev. George Allen verified where Ms. Sasser met her customers.

Chairman, Charles Taylor asked for further questions.

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

Mrs. Karen Smith, Planning Department, recommended approval.

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

CASE NO. 8

Application and appeal of Ketrina Kay 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 a cleaning business located at 1904 Cumberland Av SW, property is located in a R-2 Single Family Residential District.

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

CASE NO. 9

Application and appeal of Megan Morrow for a determination as a use permitted on appeal as allowed in Section 25-12.2 to use an existing structure as a residence located at 205 Gordon Dr. SE, property is located in an I-D Institutional District.

Ms. Megan Morrow presented this case to the Board. Ms. Morrow stated she has purchased the property and her address would be 205 Gordon Dr. SE. Ms. Morrow stated she would like to use the old fire station as a personal residence.

Chairman, Charles Taylor asked for questions from the Board.

Chairman, Charles Taylor verified that this building was going to be used strictly as a single family residence. Ms. Morrow stated yes, the upstairs would be used as the living quarters and the downstairs as a garage.

Chairman, Charles Taylor asked for further questions.

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

Mrs. Karen Smith, Planning Department, stated this will be a great use of the property and recommend approval.

Mr. Collis Stevenson motioned to approve this case with the condition that the property was to be used only as a single-family residence. Mr. Thomas Rossi seconded the motion. On a roll-call vote the motion carried.

CASE NO. 10

Application and appeal of Billy and Erica Allen for a determination as a use permitted on appeal as allowed in Section 25-80 (a)(4) in order to use an existing illegal sign located at 701 Sycamore St NW, property is located in a B-1 Local Shopping Business District.

Mr. and Mrs. Allen presented this case to the Board. Mr. Allen stated they owned 701 Sycamore St NW and they are requesting to use the existing sign located on the property. Mr. Allen stated the sign would be refaced. If they are required to move the sign it would have to be moved up next to the building and take away the already limited parking spaces.

Chairman, Charles Taylor asked what type of business would be located at this location. Mr. Allen stated that a restaurant will be going into that location.

Chairman, Charles Taylor asked for question from the Board.

Mr. Thomas Rossi verified Mr. Allen would be keeping the original sign.

Mr. Bob Sims, Building Department, stated yes the same sign, same size, shape. The sign would be refaced and refurbished.

Chairman, Charles Taylor asked Mr. Allen why he does not want to bring the sign into compliance with today's sign ordinance.

Mr. Allen stated it would involve a great deal of construction and take away from his parking which is limited already.

Rev. George Allen stated also if the sign is moved into compliance the sign would not be able to be seen when coming up and down Vine St. NW. because the sign would be sitting in front of the building.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, stated that there had been extensive vacation of right of way done just to be able to have on-site parking and a detached sign. Mrs. Smith recommended approval.

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

CASE NO. 11

Application and appeal of April Finch for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an on-line children's clothing business located at 1601 Wilshire Av SW, property is located in a R-2 Single Family Residential District.

Ms. April Finch presented this case to the Board. Ms. Finch stated her address was 1601 Wilshire Av. SW. Ms. Finch stated she would like to use one room in her home for her on-line children's clothing business.

Rev. George Allen verified where the sales would take place. Ms. Finch stated her sales are on-line. Ms. Finch stated that when she filled out the application she was unaware of the requirements for a home occupation but now that she knows she will only have on-line sales.

Ms. Delayne Dean reminded Ms. Finch she could have parties at a client's home whenever she wanted.

Mr. Thomas Rossi told Ms. Finch she could have parties at her house once a quarter. Ms. Finch understood.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, asked Ms. Finch if she would be selling to individuals or be putting stock into department stores. Ms. Finch stated not at this time. Ms. Finch stated the only thing she may do at some point would be to put up a rack at a consignment shop. Ms. Finch stated she was only going to be doing on-line sales at this point. Ms. Finch stated that she would be advertising through social media only at this time. Mrs. Smith recommended approval.

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

CASE NO. 2

Application and appeal of Paulina Loaeza Parra 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 1510 19th Av SE, Apt # -209 property is located in a R-4 Multifamily Residential District.

Mr. and Ms. Parra presented this case to the Board. Mr. Sal Jasso, Revenue Department, was interpreter for Mr. and Ms. Parra.

Ms. Parra stated her address was 1510 19th Av. SE Apt #209.

Mr. Sal Jasso, Revenue Department, verified that Ms. Parra was wanting to use one room in her home as an administrative office in her home for her handyman service. Ms. Parra stated yes.

Mr. Sal Jasso, Revenue Department, explained to Ms. Parra what the rules and regulations for a home occupation, Ms. Parra understood.

Mr. Sal Jasso, Revenue Department, asked where the tools for the business would be stored. Mr. Parra replied in a box truck.

Chairman, Charles Taylor asked Mr. Jasso to inquire about signage on the truck. Mr. Jasso did so. Mr. Parra stated there was no signage on the truck. Mr. Jasso explained to Mr. Parra that signage was allowed on the truck as long as the home address was not present. Mr. Parra understood.

Chairman, Charles Taylor asked Mr. Jasso to inquire if there were any employees. Mr. Jasso did so and replied Mr. Parra did not have any employees.

Ms. Delayne Dean asked if the property owner was aware of them operating a home business from this property. Mr. Jasso relayed the message and the response was that the property owner was aware.

Chairman, Charles Taylor called for any further questions.

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

Mrs. Karen Smith, Planning Department, recommended approval.

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

CASE NO. 4

Application and appeal of Courtney Bolden for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a painting business located at 413 Denver Place SW, property is located in a R-5 Single Family Patio Home Residential District.

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

CASE NO. 8

Application and appeal of Ketrina Kay 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 a cleaning business located at 1904 Cumberland Av SW, property is located in a R-2 Single Family Residential District.

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

Meeting adjourned at 4:32 p.m.

Charles Taylor, Chairman

JUNE 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, June 25, 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 Marlon Medina for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a painting business located at 2331 Anderson Dr. SW, property is located in a R-2 Single-Family Residential District.

CASE NO. 2

Application and appeal of Aurelio Sanchez 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 1411 Newman Av SW, property is located in a R-3 Single-Family Residential District.

CASE NO. 3

Application and appeal of Ben Jeffreys 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 pressure washing business located at 905 Rigel Dr. SW, property is located in a R-2 Single-Family Residential District.

CASE NO. 4

Application and appeal of Rosalinda Carbajas for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a painting business located at 315 Blackberry Dr. SW, property is located in a R-2 Single-Family Residential District.

CASE NO. 5

Application and appeal of Anthony Rogers 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 soap making business located at 706 Busbey Rd SW, property is located in an AG-1 Agricultural District.

CASE NO. 6

Application and appeal of Diana Gomez 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 concrete construction business located at 1406 Cedar ST SW, property is located in a R-2 Single-Family Residential District.

CASE NO. 7

Application and appeal of Brodrick Reedus 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 418 10th AV SW, property is located in a R-3 Single-Family Residential District.

CASE NO. 8

Application and appeal of Michael Clemons for a determination as a use permitted on appeal as allowed in Section 25-11 for a restaurant located at 14 East Moulton St, property is located in a B-5 Central Business District.

CASE NO. 9

Application and appeal of Jewel Freeman for the following setback variances at 605 Vine St NW lots 18 and 19, property is located in a R-3 Single Family Residential District.

- 5.5 foot front yard setback variance from Section 25-10.10 (2)(c) of the Zoning Ordinance
- 4 foot rear yard setback variance from section 25-10.10 (2)(d) of the Zoning Ordinance.

CASE NO. 10

Application and appeal of M.A. Jackson Co. for a 4.5 foot rear yard setback located at 1258 Excaliber Dr. SW from Section 25-10.3 (2) (e) property is located in a R-5 Single-Family Patio Home Residential Zoning District.



one CHARMING SCALE

Board of Zoning Adjustment

APPLICANT:	Marlon Meding
MAILING ADDR:	2331 Anderson Dr SW
CITY STATE ZIP:	Decatur AL 35603
PHONE:	256-227-7018
PROPERTY OWNER:	Marlon Meding
OWNER ADDR:	2331 Anderson Dr SW
CITY STATE ZIP:	Decatur AL 35603
OWNER PHONE:	256-227-7018

ADDRESS FOR APPEAL:	2331 Anderson Dr SW
---------------------	---------------------

<input checked="" type="checkbox"/> HOME OCCUPATION	NATURE OF APPEAL:	
<input type="checkbox"/> USE PERMITTED ON APPEAL	<input type="checkbox"/> SETBACK VARIANCE	<input type="checkbox"/> SIGN VARIANCE
<input type="checkbox"/> OTHER	<input type="checkbox"/> APPEAL OF ADMINISTRATIVE DECISION	
<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.)		
I want to use my home for my painting business office Tools and supplies stored in my van.		
Applicant Name(print) <u>Marlon Meding</u>	If applicant is using a representative for the request both signatures are required.	Office Use Received By <u>Cidy</u>
Signature <u>MM</u>		Zone _____
Representative Name(print) _____		Hearing Date <u>6/25/19 4:00 PM</u>
Signature _____		Approved/Disapproved _____
Date <u>5-15-19</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 10th of the month to be heard the last Tuesday of the month.

CASE NO 1 2331 ANDERSON DR SW



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

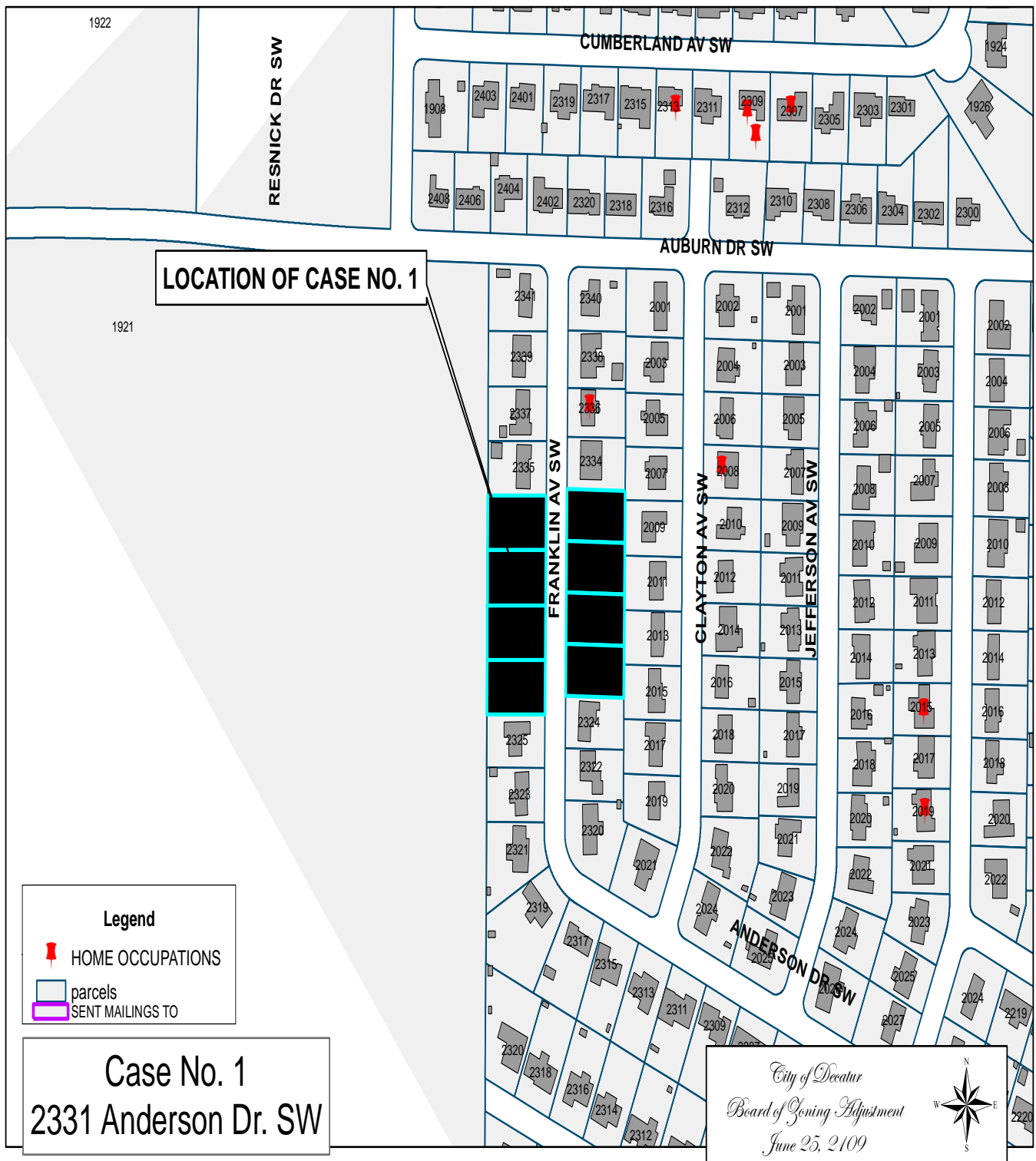
1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
*note: This refers to only the work being done at your home.
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation 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: Mark Medra DATE: 5-15-19

ADDRESS: 2331 Anderson Dr SW 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





June 25, 2015
@ 4:00
Council Chambers
ONE CHARMING SCALE

Board of Zoning Adjustment

APPLICANT:	Aurelio Sanchez	
MAILING ADDR:	1411 Newman Ave SW	
CITY STATE ZIP:	Decatur, AL 35601	
PHONE:	256-476-7362	
PROPERTY OWNER:	Same as Above	Aurelio Sanchez
OWNER ADDR:	Same as above	1411 Newman Ave SW
CITY STATE ZIP:	Same as above	Decatur, AL 35601
OWNER PHONE:	Same as above	256-476-7362

ADDRESS FOR APPEAL: 1411 Newman Ave SW Decatur, AL 35601

<input checked="" type="checkbox"/> HOME OCCUPATION	NATURE OF APPEAL:		<input type="checkbox"/> SIGN VARIANCE
<input type="checkbox"/> USE PERMITTED ON APPEAL	<input type="checkbox"/> SETBACK VARIANCE	<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.)		
He garage for mowers, carport for a trailer and on the side of carport a parking area for park another trailer, also used the house on specific road for office lawn care		
Applicant Name(print) Signature Representative Name(print) Signature Date	If applicant is using a representative for the request both signatures are required.	Office Use Received By Zone Hearing Date Approved/Disapproved
Aurelio Sanchez Aurelio Sanchez 5/15/19		

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 1411 NEWMAN 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:

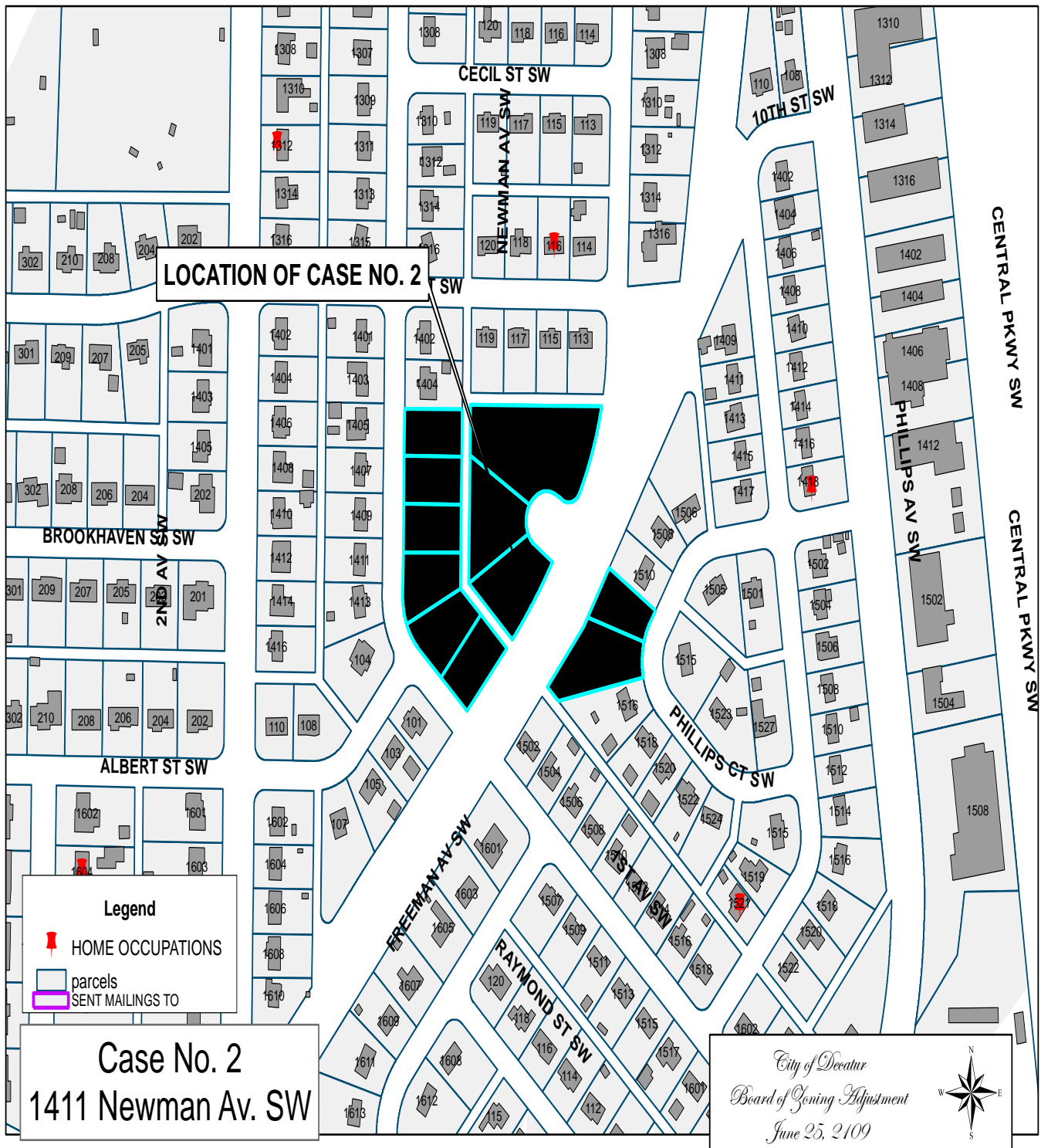
Aurelio Sanchez

DATE:

5/15/19

ADDRESS:

1411 Newman Ave Sw Decatur, AL 35601



June 25, 2019 4:00 p.m.
Council Chambers



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Ben Jeffreys ✓
MAILING ADDR: 905 Rigel Dr
CITY STATE ZIP: Decatur AL 35603
PHONE: 256-345-2268

PROPERTY OWNER: Jaime Knight
OWNER ADDR: 905 Rigel Dr ✓
CITY STATE ZIP: Decatur AL 35603
OWNER PHONE: 256-227-9315

ADDRESS FOR APPEAL: 905 Rigel Dr 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.)

I would like to use one room in my home
for administrative purposes for my pressure washing
business.

Applicant Name(print) Ben Jeffreys
Signature [Signature]
Representative Name(print) _____
Signature _____
Date 5-30-19

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

Office Use
Received By [Signature]
Zone R-2
Hearing Date 6.25.19
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. 3 905 RIGEL DR. SW



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

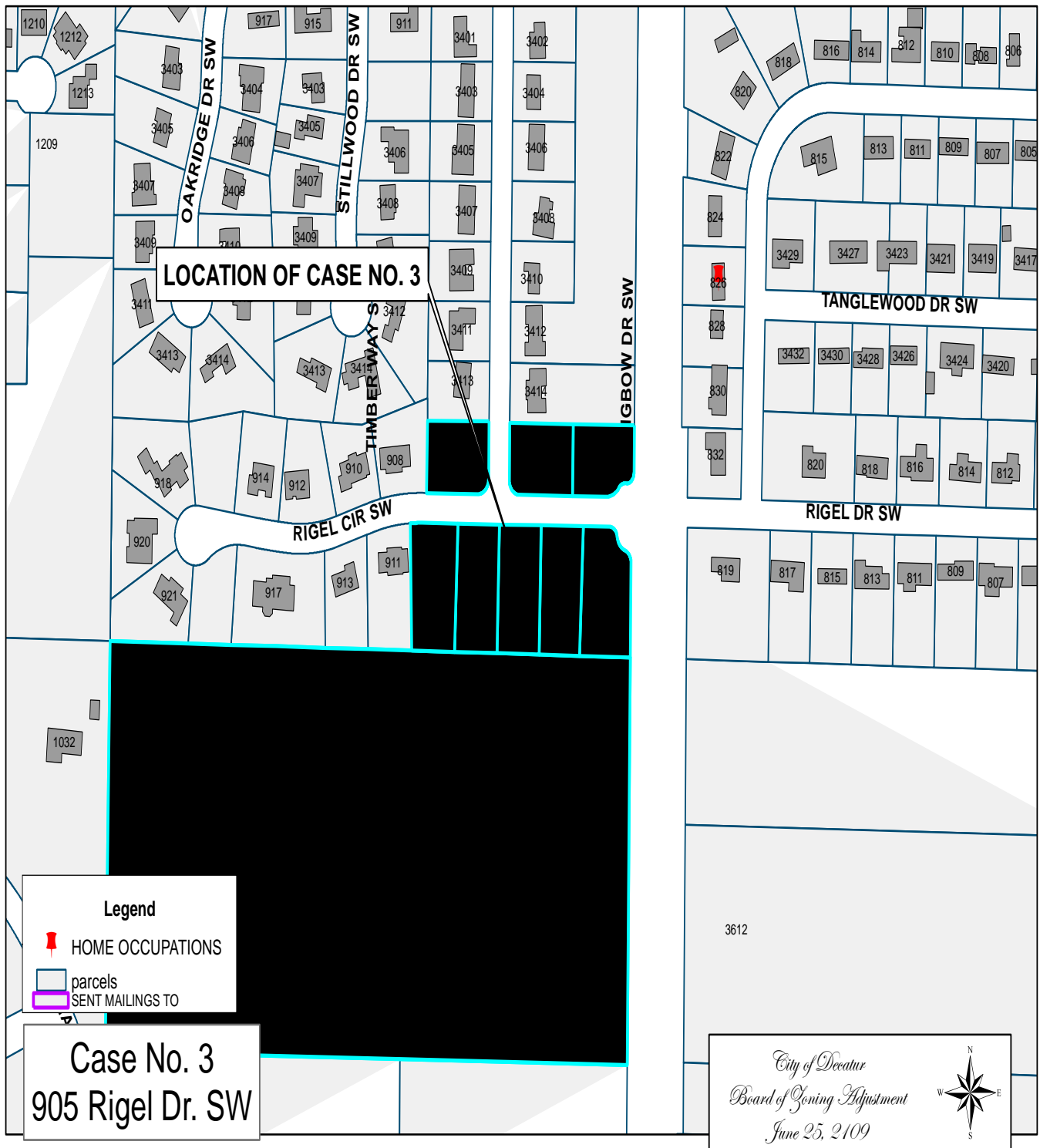
1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation 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: Bu [Signature] DATE: 5-30-19

ADDRESS: 905 Bigel Dr 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



4

June 25, 2019 4:00 p.m.
Council Chambers



ON A CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: <u>Rosalinda Carbajal</u>
MAILING ADDR: <u>315 Blackberry DR SW</u> ✓
CITY STATE ZIP: <u>Decatur AL 35603</u>
PHONE: <u>(256) 345-6077</u>
PROPERTY OWNER: <u>Rosalinda Carbajal</u>
OWNER ADDR: <u>315 Blackberry Dr SW</u> ✓
CITY STATE ZIP: <u>Decatur AL 35603</u>
OWNER PHONE: <u>(256) 345-6077</u>

ADDRESS FOR APPEAL: <u>315 Blackberry Dr SW</u> ✓

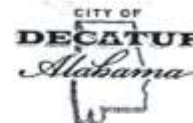
<input checked="" type="checkbox"/> HOME OCCUPATION			NATURE OF APPEAL:		<input type="checkbox"/> SIGN VARIANCE
<input type="checkbox"/> USE PERMITTED ON APPEAL			<input type="checkbox"/> SETBACK VARIANCE	<input type="checkbox"/> APPEAL OF ADMINISTRATIVE DECISION	
<input type="checkbox"/> OTHER	<input 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.)		
<u>Repoint houses</u>		
<u>I will use my house as a business office only for</u>		
<u>painting houses.</u>		
Applicant Name(print) <u>Rosalinda Carbajal</u>	If applicant is using a representative for the request both signatures are required.	Office Use
Signature <u>[Signature]</u>		Received By <u>Cindy</u>
Representative Name(print) <u>Rosalinda Carbajal</u>		Zone <u>R-2</u>
Signature <u>[Signature]</u>		Hearing Date <u>6/25/19 4:00 PM</u>
Date <u>6-3-19</u>		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. 4 315 BLACKBERRY DR. 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 ☒

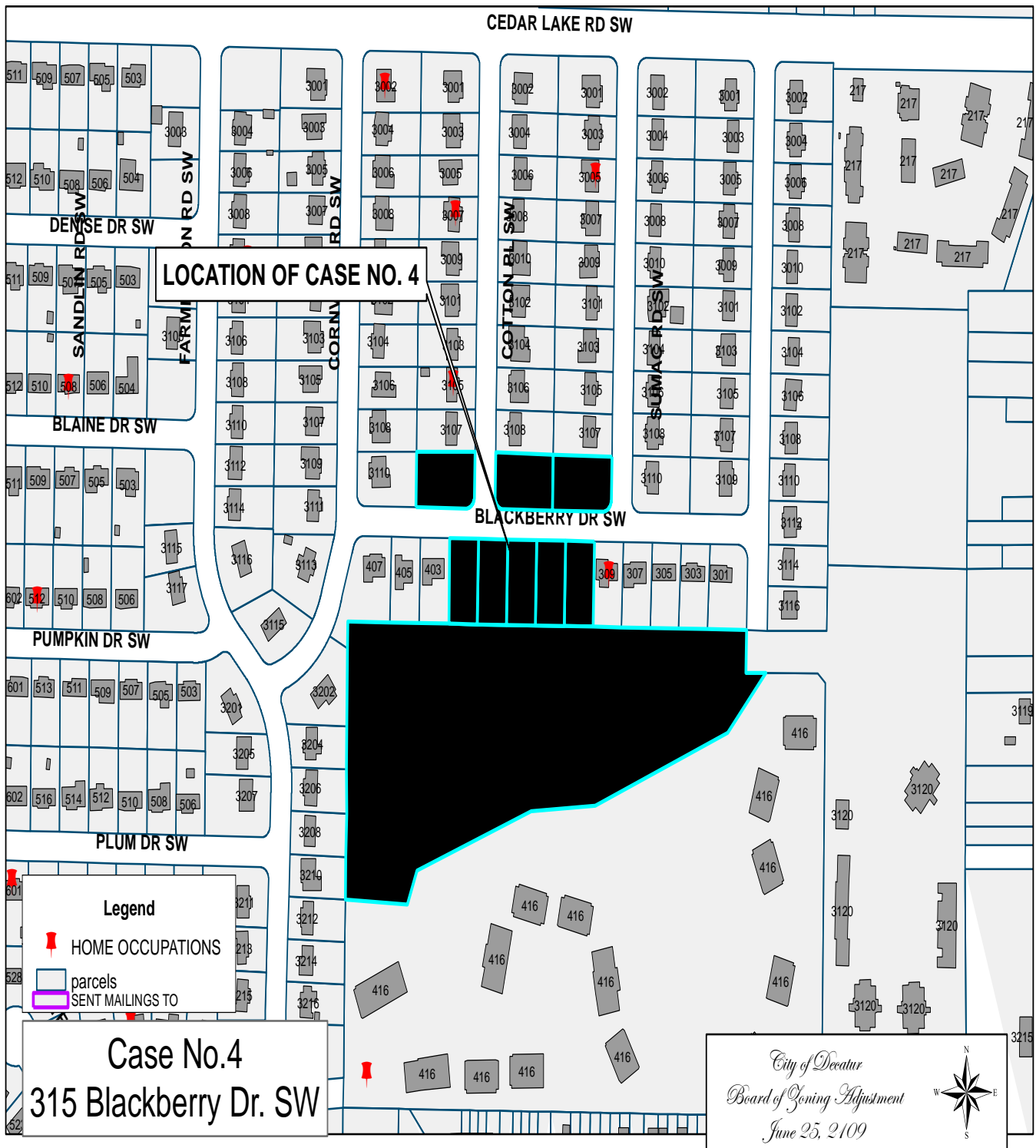
SIGNED: _____

Ric C. C. Jr.

DATE: 6/3/19

ADDRESS: _____

315 Blackberry Dr SW Decatur AL 35603





on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Anthony Rogers
MAILING ADDR: 706 Busbey Rd Sw. ✓
CITY STATE ZIP: Decatur, AL 35603
PHONE: 256-565-7140

PROPERTY OWNER: Anthony Rogers
OWNER ADDR: 706 Busbey Rd. Sw. ✓
CITY STATE ZIP: Decatur, AL 35603
OWNER PHONE: 256-565-7140

ADDRESS FOR APPEAL: 706 Busbey Rd. Sw. ✓

☒ 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.)

Seeking to use home for administrative offices.
No traffic will be coming to home. For Soapmaking Business.

Applicant Name(print) Anthony Rogers
Signature [Signature]
Representative Name(print)
Signature
Date 06/05/19

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

Office Use
Received By Cindy
Zone AG-1
Hearing Date 6/25/19 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 10th of the month to be heard the last Tuesday of the month.

CASE NO. 5 706 BUSBEY RD SW



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

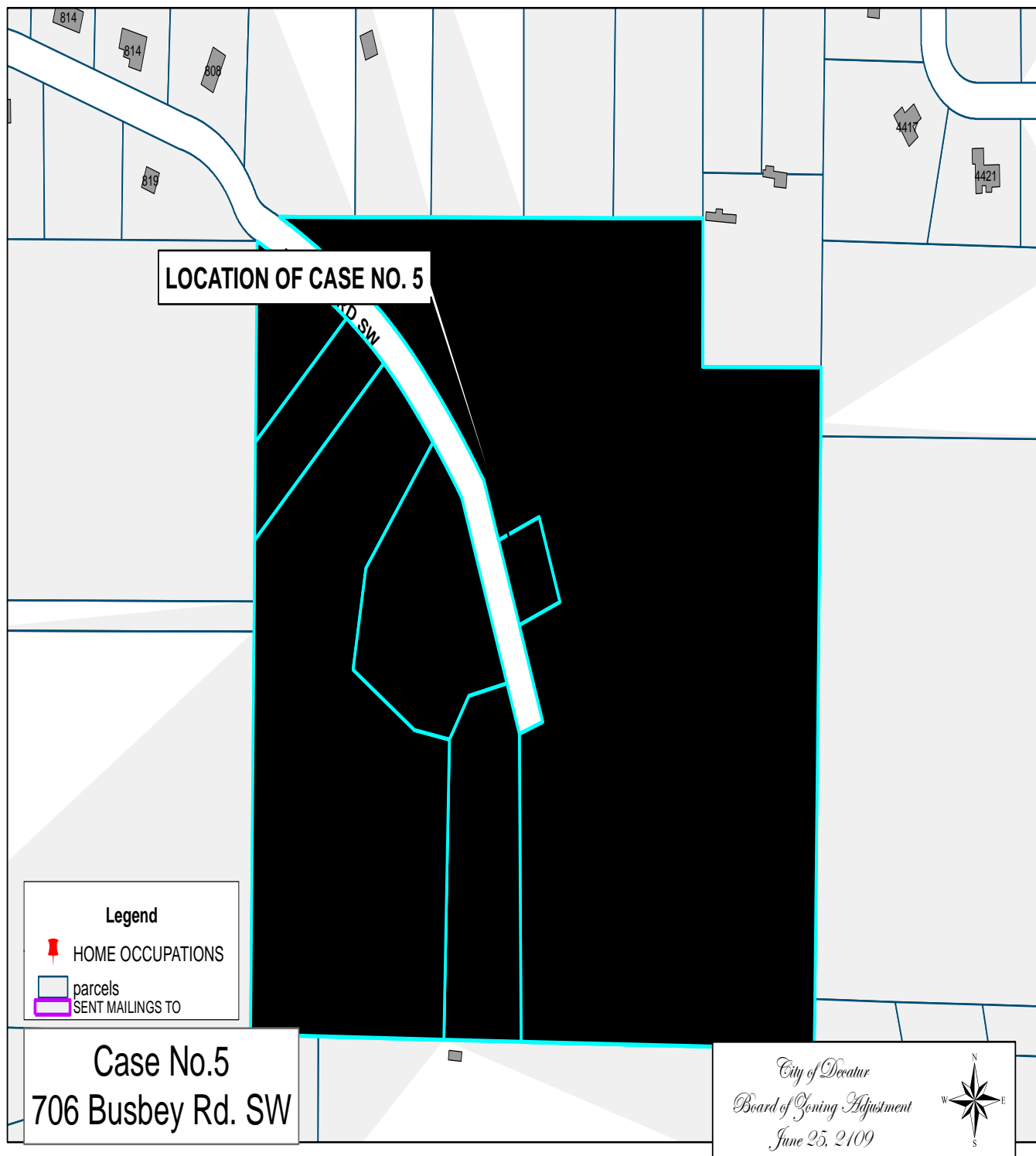
1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
2. Does the occupation produce sounds, colors, or other audible or visible evidence of a home occupation 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: [Signature] DATE: 06/05/19

ADDRESS: 706 Busbey Rd SW. Decatur, AL 35603

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

QUESTIONNAIRE



6

June 25, 2019 @ 4:00 pm
in Council Chambers



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Diana V. Avila Gomez
MAILING ADDR: 1406 Cedar St SW Decatur AL 35601 ✓
CITY STATE ZIP: Decatur AL 35601
PHONE: (256) 606-8289

PROPERTY OWNER: Mike Moore
OWNER ADDR: 8653 Beechwood Rd *
CITY STATE ZIP: Athens AL 35611
OWNER PHONE: (256) 777-3390

ADDRESS FOR APPEAL: 1406 Cedar St 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.)

my ~~business~~ will be concrete construction and I will
be using one bedroom of my house for ~~business~~ purposes.

Applicant Name(print) Diana V. Avila Gomez

Signature Diana Avila

Representative Name(print)

Signature

Date 06/25/19

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

Office Use

Received By [Signature]

Zone R-2

Hearing Date 6.25.19 @ 4pm

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 1406 CEDAR ST SW



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

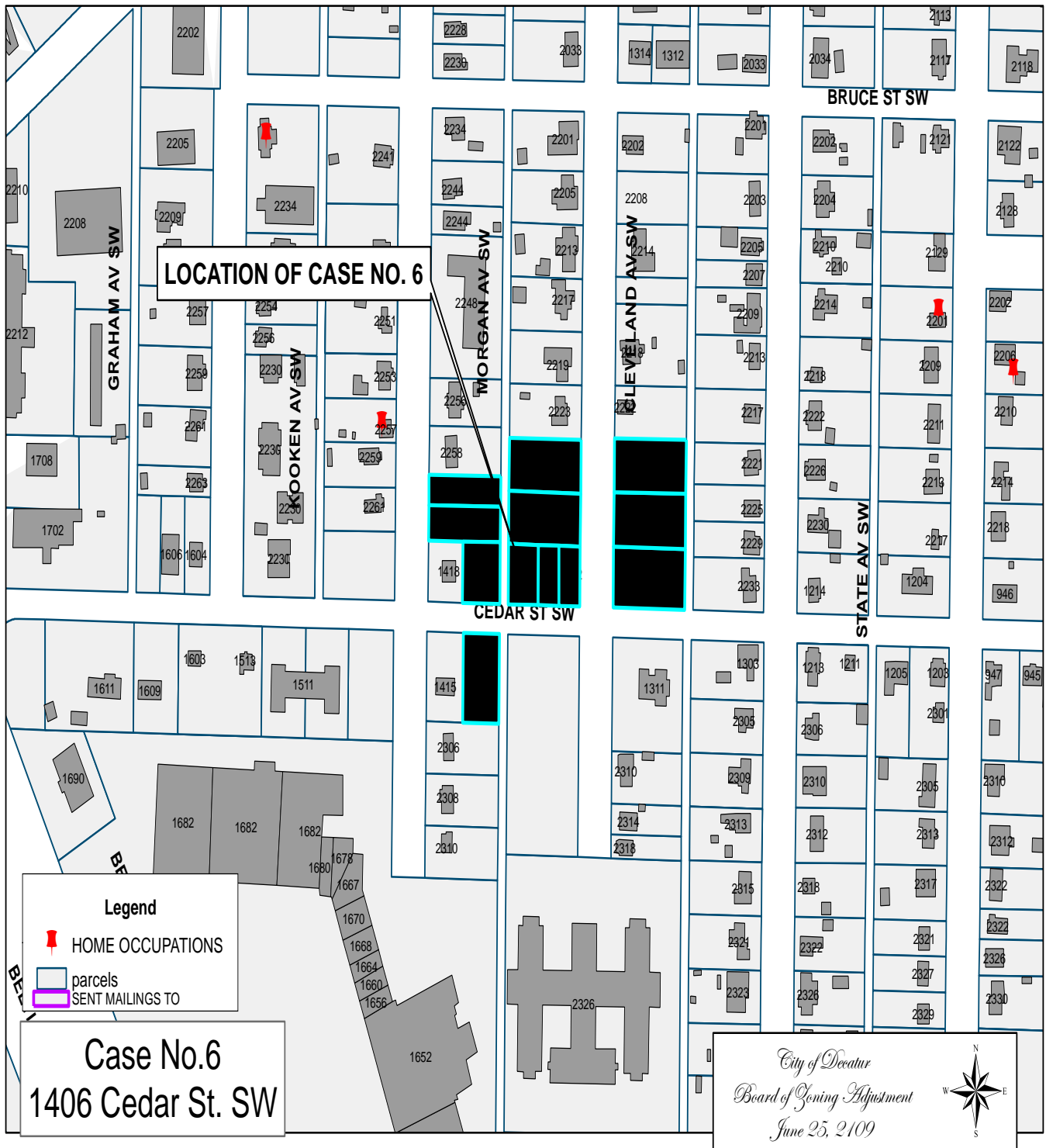
1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
*note: This refers to only the work being done at your home.
2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation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

SIGNED: Diana Amato DATE: 06/25/19

ADDRESS: 1406 Cedar St SW Decatur AL 35601

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

QUESTIONNAIRE



7

June 25, 2019 @ 4:00pm
in Council chambers



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Brodrick Maurice Reedus ✓
MAILING ADDR: 418 10th Ave SW
CITY STATE ZIP: Decatur AL 35601
PHONE: 256-466-4089

PROPERTY OWNER: Minnie Johnson
OWNER ADDR: 418 10th Ave SW *
CITY STATE ZIP: Decatur AL 35601
OWNER PHONE: 256-227-4371

ADDRESS FOR APPEAL: 418 10th AV 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.)

Im going to use one room in my home for
administrative purpurse for my lawn care
business

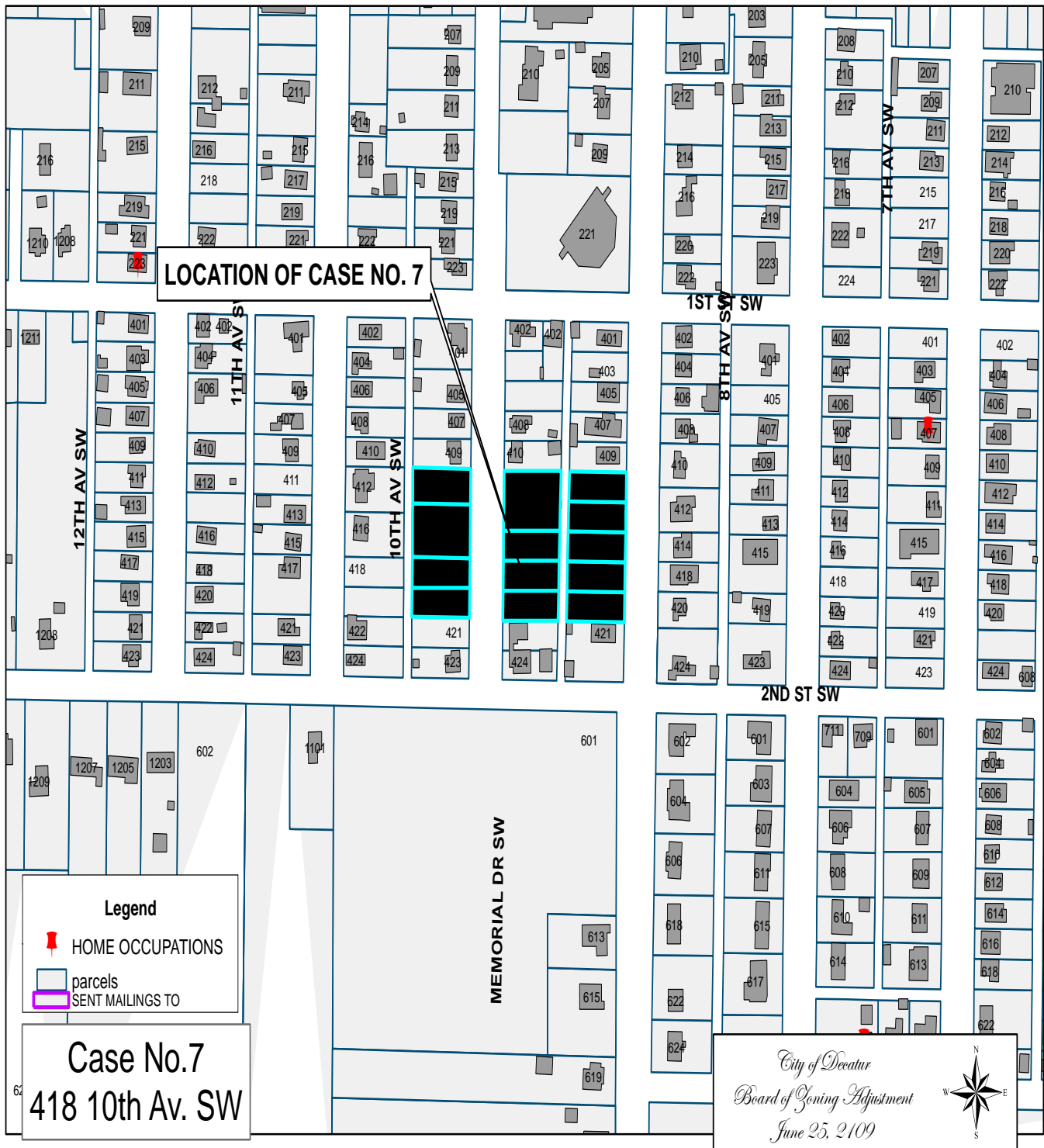
Applicant Name(print) Brodrick M. Reedus
Signature Brodrick M. Reedus
Representative Name(print) _____
Signature _____
Date 6-10-19

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

Office Use
Received By [Signature]
Zone R-3
Hearing Date June 25, 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. 7 418 10TH AV SW





on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Michael J. Clemens
MAILING ADDR: 93 S Spring Ct. S.W.
CITY STATE ZIP: Decatur, AL 35601
PHONE: (256) 355-7047 - (256) 333-2868

PROPERTY OWNER: Josh Taylor
OWNER ADDR: 1605 College St. S.E.
CITY STATE ZIP: Decatur, AL 35601
OWNER PHONE: (256) 466-0310

ADDRESS FOR APPEAL: 14 EAST Moulton St.

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.)

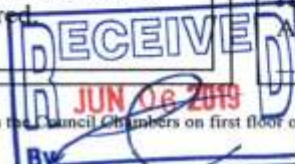
FOR AN APPEAL
My Request is to zone my b-s zoning AT
14 EAST Moulton St. (30 FT) from Crosseydow
TO open A Retail Restaurant/Liquor for
A Comedy/Music Shop "The JAM Shop"

Applicant Name(print) Michael Clemens
Signature Michael J. Clemens
Representative Name(print) Lee Bontwell
Signature _____
Date _____

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

Office Use
Received By [Signature]
Zone B-5
Hearing Date June 25th 4:00pm
Approved/Disapproved _____

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



CASE NO. 8 14 EAST MOULTON ST.



City of Decatur
CHARTERED 1888

I am applying for (business name) THE JAM SHOP to obtain a Use Permitted on Appeal to operate a Class 1 Restaurant in a B-5 Zoning District in the City of Decatur.

I am Michael Clemens (Title) owner/oper. of The Jam Shop

located at 15 E. Moulton St. S.E.. The named applicant will be required to be at the Board of Zoning Adjustment Meeting (date) June 25, 2019 4:00pm.

- The normal operating hours of this business are: 6 p.m. - 1 a.m. Wed - SAT.
- 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. PLAN TO Sell no less than 25%.
- Will this business have music? Food.
 - 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 Michael J. Clemens Date 6-13-19

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 _____

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.

ORDINANCE PG. 2

52

ORDINANCE PG 2

ADOPTED this _____ day of _____ 2018

Authenticated:

Stacy Gilley, City Clerk

Approved this _____ day of _____ 2018

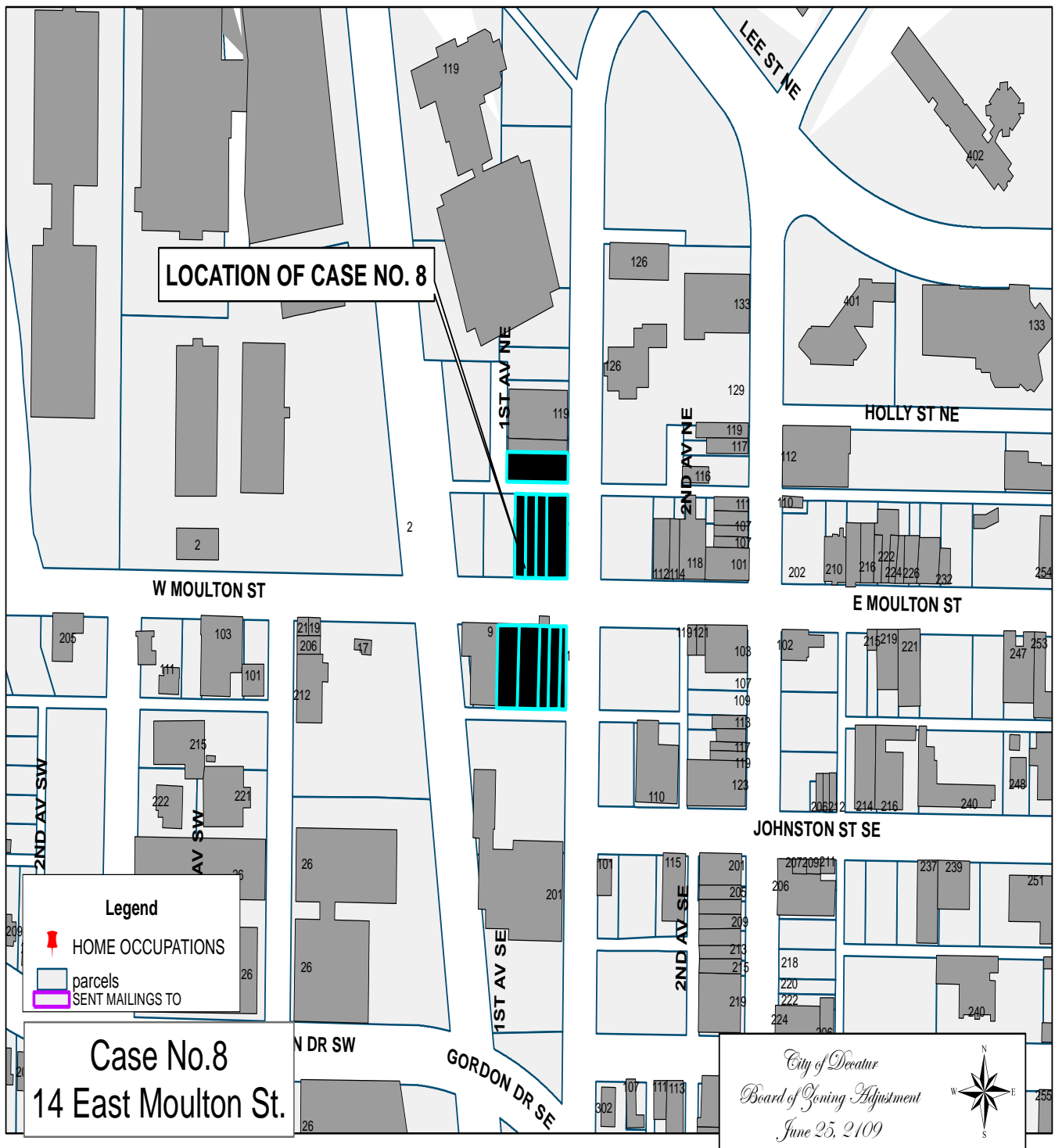
Tab Bowling, Mayor

ORDINANCE PG. 3

53

ORDINANCE PG. 3

37



(9)

June 25, 2019 @ 4pm
in Council Chambers

on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Jewel Freeman
 MAILING ADDR: 609 Cherry St. N.W.
 CITY STATE ZIP: Decatur Al 35601
 PHONE: 256-822-9060

PROPERTY OWNER: Jewel Freeman
 OWNER ADDR: 609 Cherry St. N.W.
 CITY STATE ZIP: Decatur Al 35601
 OWNER PHONE: 256-822-9060

ADDRESS FOR APPEAL: Lots 19 and 18 605 607 Vine St. N.W.

☐ 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.)

Request: Variance to setback of 5 ft. for the front
setback and 5 ft for the rear setback.
- Proposed house plan shows depth at 47'10" - Lot is 105' deep
with a 30 ft. front setback and a 35-foot rear setback. That will
leave space for a house depth of 40 ft within the required
setbacks.

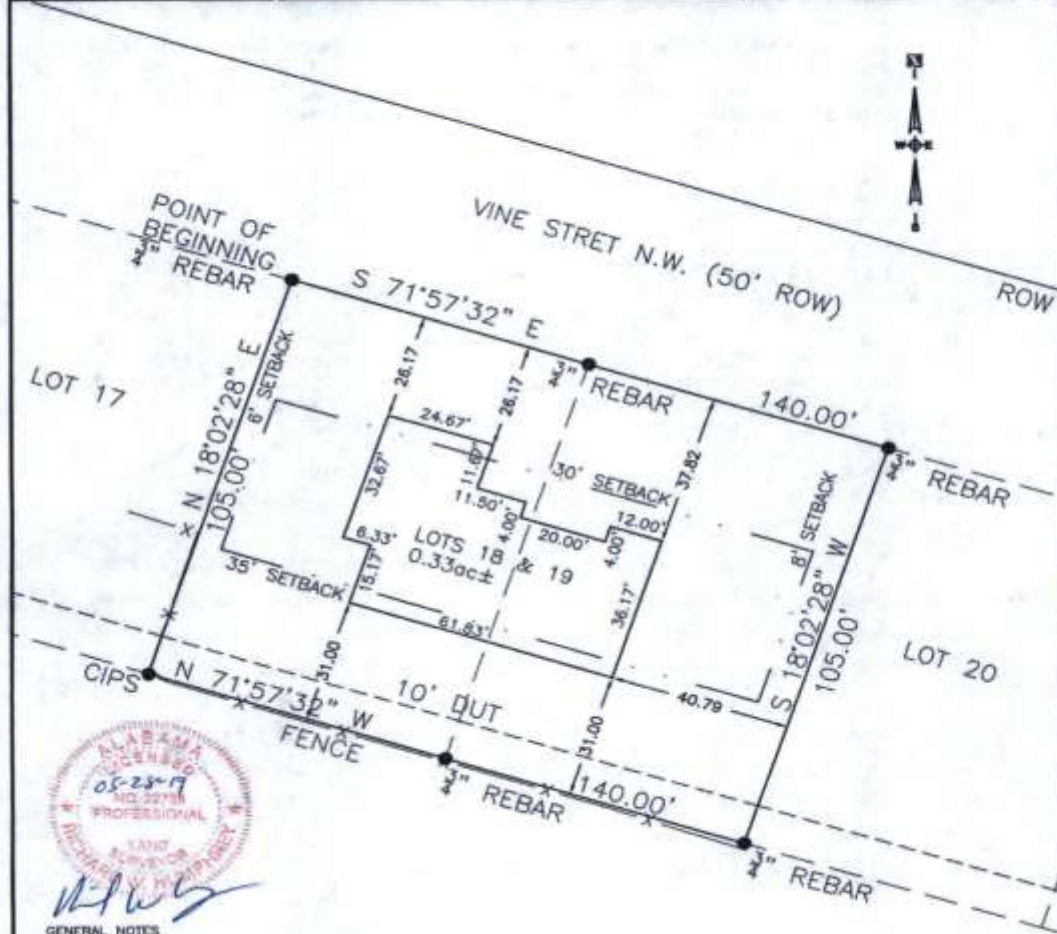
Applicant Name(print) Jewel Freeman
 Signature Jewel Freeman
 Representative Name(print) _____
 Signature _____
 Date 06-27-19

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

Office Use
 Received By [Signature]
 Zone R-3
 Hearing Date June 25, 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. 9 605 VINE ST NW



GENERAL NOTES

1. NORTH REFERENCE IS ALABAMA STATE COORDINATE GRID—WEST ZONE (NAD1983) AS DETERMINED BY GNSS OBSERVATIONS.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
3. SOURCE OF INFORMATION USED FOR SURVEY: M.B. 6, PG 108
4. PROPERTY ADDRESS IS 605 & 607 WINE STREET NW, DECATUR, AL
5. NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN
6. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
7. THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
8. UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT AFFECT THE USE OF THIS PROPERTY WERE NOT LOCATED. THE UNDERSIGNED ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THIS PROPERTY.
9. FIELD WORK WAS COMPLETED OCTOBER, 2018.

LEGEND

CIPS	CAPPED IRON PIN SET
ROW	RIGHT OF WAY
— X —	CHAIN LINK FENCE



PROPOSED PLOT PLAN -- JEWELL FREEMAN -- 605 & 607 VINE STREET N.W.

DRAWING DATE: 05-24-19	DRAWN BY: CSC	APPROVED BY: RWH	JOB No. PPP-67-19	SCALE: 1"=40'	PAGE 2 OF 2
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PUGHWRIGHTMCANALLY.COM

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, Richard W. Humphrey, a Professional Land Surveyor of Decatur, Alabama, hereby certify that the foregoing is a true and correct map or plat of the following described real estate, situated within Section 18, Township 5 South, Range 4 West, Decatur, Morgan County, Alabama, and more particularly described as follows, to-wit:

LOT 18 & 19

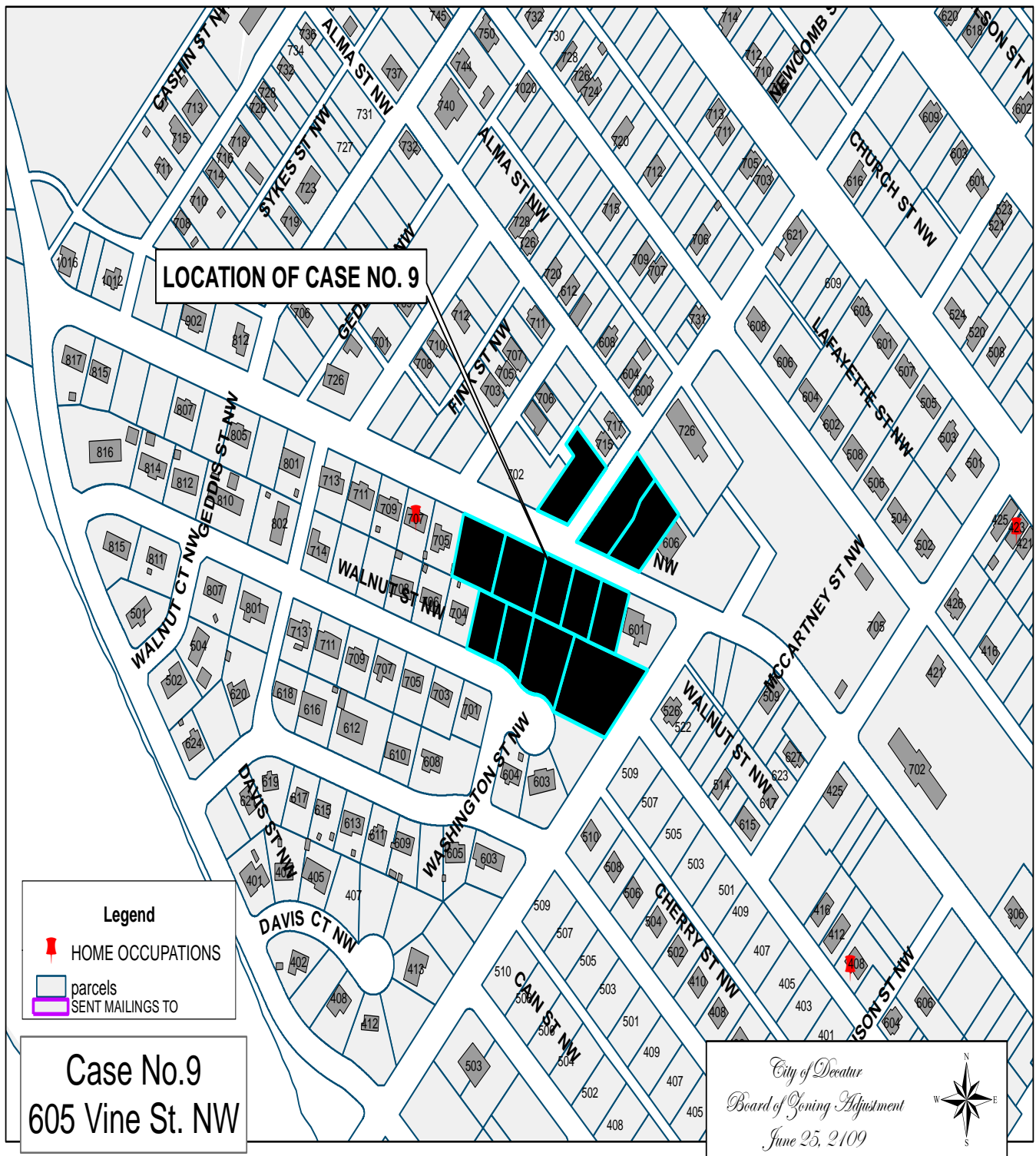
BEGIN AT THE NORTHWEST CORNER OF LOT 18 OF THE 4TH INCREMENT, VINE STREET PHASE 1 REDEVELOPMENT PROJECT, THENCE SOUTH 71 DEGREES 57 MINUTES 32 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF VINE STREET, N.W. (50' ROW) A DISTANCE OF 140.00 FEET TO A ¾" REBAR ON THE NORTHEAST CORNER OF LOT 19 OF SAID SUBDIVISION; THENCE SOUTH 18 DEGREES 02 MINUTES 28 SECONDS WEST A DISTANCE OF 105.00 FEET TO A ¾" REBAR ON THE SOUTHEAST CONER OF SAID LOT 19; THENCE NORTH 71 DEGREES 57 MINUTES 32 SECONDS WEST A DISTANCE OF 140.00 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS") ON THE SOUTHWEST CORNER OF SAID LOT 18; THENCE NORTH 18 DEGREES 02 MINUTES 28 SECONDS EAST A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.33 ACRES, MORE OR LESS.

That the building to be constructed on said lot is shown on the above plat; that there are no encroachments by buildings on adjoining property; that there are no rights of ways, easements, or joint driveways over or across said lot visible on the surface except as shown on the plat, and the street address is Vine Street, NW, Decatur, AL 35601.

And I further certify (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

According to my survey, this the 24th day of May, 2019.


Richard W. Humphrey
Ala. Reg. No. 22738



10

\$ 50⁰⁰ app fee June 25, 2019 @ 4:00
Paperwork Due: Mon. 10, 2019
on a CHARMING SCALE



Board of Zoning Adjustment

APPLICANT: M. A Jackson Co.
MAILING ADDR: P.O Box 2725
CITY STATE ZIP: Cullman, AL. 35056
PHONE: (256) - 739 - 0317

PROPERTY OWNER: John C. Troller
OWNER ADDR: 1258 Excaliber Dr. SW
CITY STATE ZIP: ~~Cullman~~ Decatur AL. 35603
OWNER PHONE: (937) 658 - 1184

ADDRESS FOR APPEAL: 1258 Ex Caliber Dr. SW Decatur AL. 35603

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.)

Need 4' of Set back VARIANCE. for SW room
for 8x12 Concrete Pad & footers

Applicant Name(print) Martin Jackson
Signature [Signature]
Representative Name(print) _____
Signature _____
Date June 10/2019

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

Office Use
Received By [Signature]
Zone R-5
Hearing Date June 25, 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. 10 1258 EXCALIBUR DR SW

Job #1

ENERbank APU# 3450480647 Home Improvement Contract / Outdoor Structures

M. A. Jackson Co.

A TRADITION OF QUALITY HOME IMPROVEMENT SINCE 1972
P.O. Box 2725 • Cullman, AL 35056
Phone: 256-739-0317 • Fax: 256-734-7022
www.majacksonco.com

Type Structure:

Sunroom
Low Cathedral

CUSTOMER INFORMATION

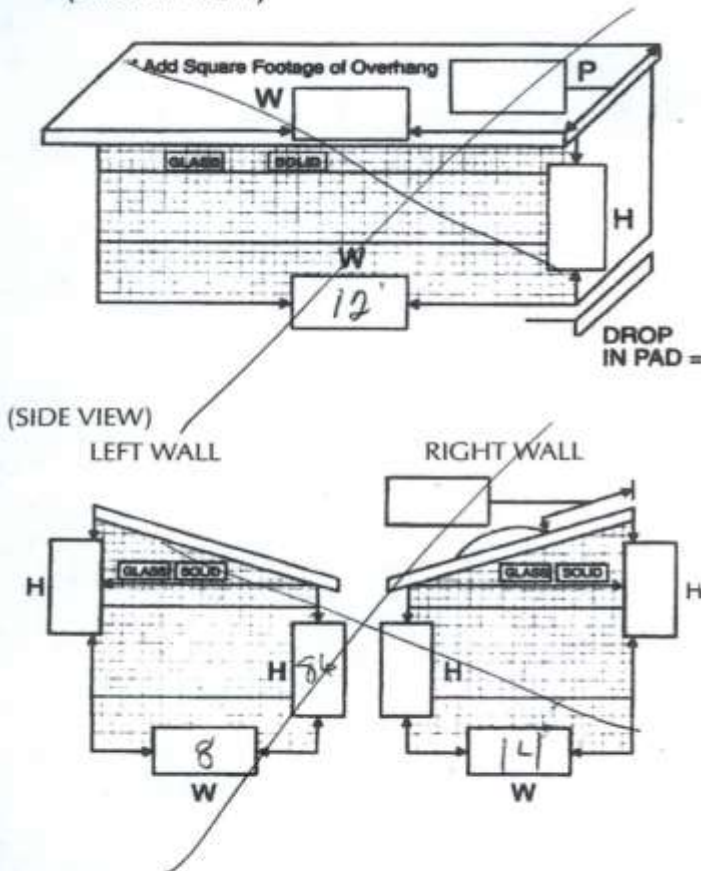
NAME: John C. Troller
ADDRESS: 1250 Excelsior Dr SW
CITY: Decatur AL ZIP: 35603
PHONE: (877) 344-3699 KACS
PHONE: (937) 6587184 KIS
INSTALLATION ADDRESS: SAME ☐
EMAIL: JTroller55@yahoo.com

Note: Standard wall height is 82". Standard knee wall is 18" or 24". Standard roof color is white on top and bottom. Sliding doors and wall panel colors are:

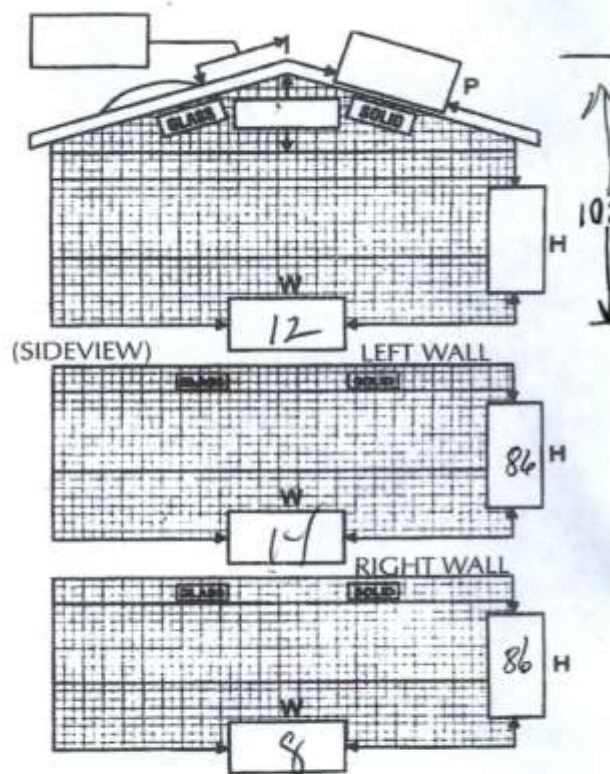
WHITE	TAN	SS	CREAM	CLAY	BRONZE
GUTTER COLOR:	SS	FASCIA COLOR:			
DOWNSPOUT COLOR:	SS				

FASCIA MOUNT:	Y	N	KNEEWALL:	18"
WALL MOUNT:	Y	N	FULL GLASS:	
TRANSOM:	UPPER	NA	LOWER	NA
ROOF TYPE:	W-PAN:	Y/N	FLAT PAN:	Y/N
WALL TYPE:	2'	3'	3 1/2'	8" INSL Y/N
				SCREEN & GLASS

A. STUDIO STYLE ROOF: ☒ Y ☐ N
(FRONT VIEW)



B. CATHEDRAL STYLE ROOF: ☒ Y ☐ N
(FRONT VIEW)



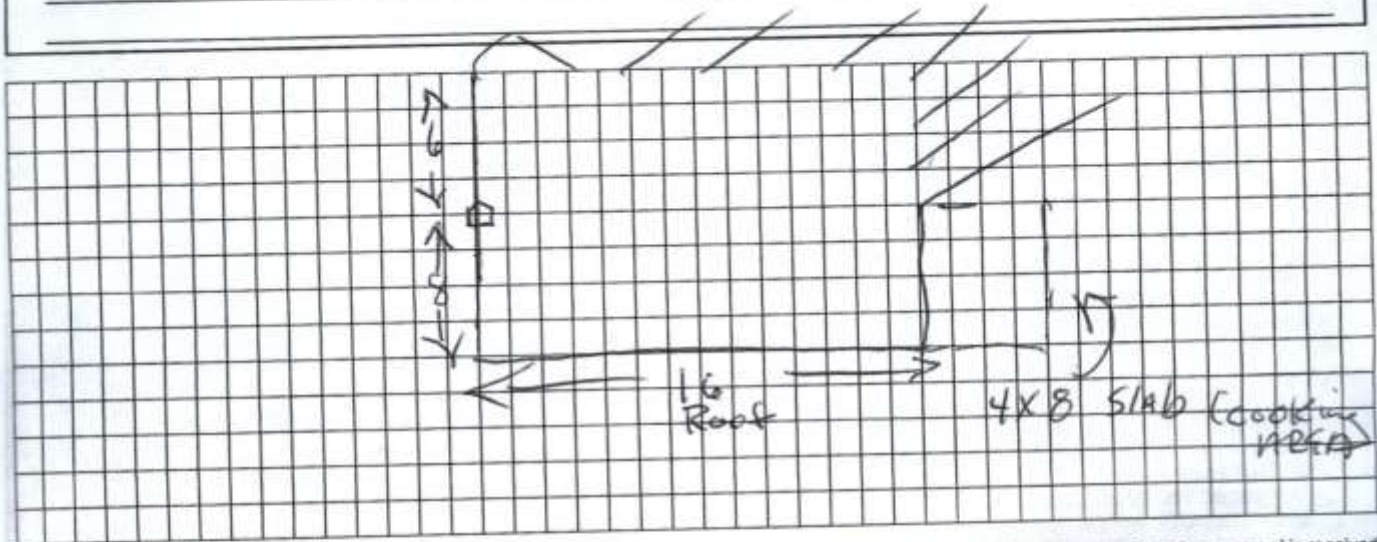
REMOVE OLD DECK:	YES NO	MOVE WATER SPIGOT:	YES NO	MOVE UTILITY LINES:	YES NO
BUST OUT OLD SLABS:	YES NO	SCREEN UNDER DECK:	YES NO	RAILING ON STEPS:	YES NO
DECK INSTALLED OVER SLAB:	YES NO	HAUL AWAY DEBRIS:	YES NO	RAILING ON DECK:	YES NO
UNDERPIN DECK TO GROUND:	YES NO	SKYLIGHTS:	YES NO	ACCESS TO YARD:	YES NO
KEYLOCK:	YES NO	KEYLOCK AVAILABLE COLORS:	BRASS BRUSH-NICKEL OIL-RUBBED BRONZE X		

ILLUSTRATION

3450480647

Description of Work: M. A. JACKSON CO. will furnish all materials and perform all labor in a good, workmanlike, and substantial manner for the following described project upon the following described property in exchange for payment by the owner as indicated below

Take out old deck rails
 Install concrete patio 8x14 with footers.
 Install 4x8 slab for cooking AREA
 Install Low Cathedral (SS) Sun room
 Install Insulation above porch
 Install Customer Supplied fan
 Install Electrical (8 outlets)



Estimated Date for starting and completing work is approximately 6-10 weeks from the date of the contract deposit or from the date financing approval is received by M. A. Jackson Co., whichever is later. See reverse side - delays in installation for items which may delay your installation date.

I (We) understand that this is only an estimated time frame and I (We) will be contacted prior to the start of the project will begin.

Customer Approval (Sign): John C. Troller #3

Print Name: John C. Troller

Customer Approval (Sign): Tamara Troller

Print Name: Tamara Troller

M. A. JACKSON CO. Representative (Sign): _____

Print Name: _____

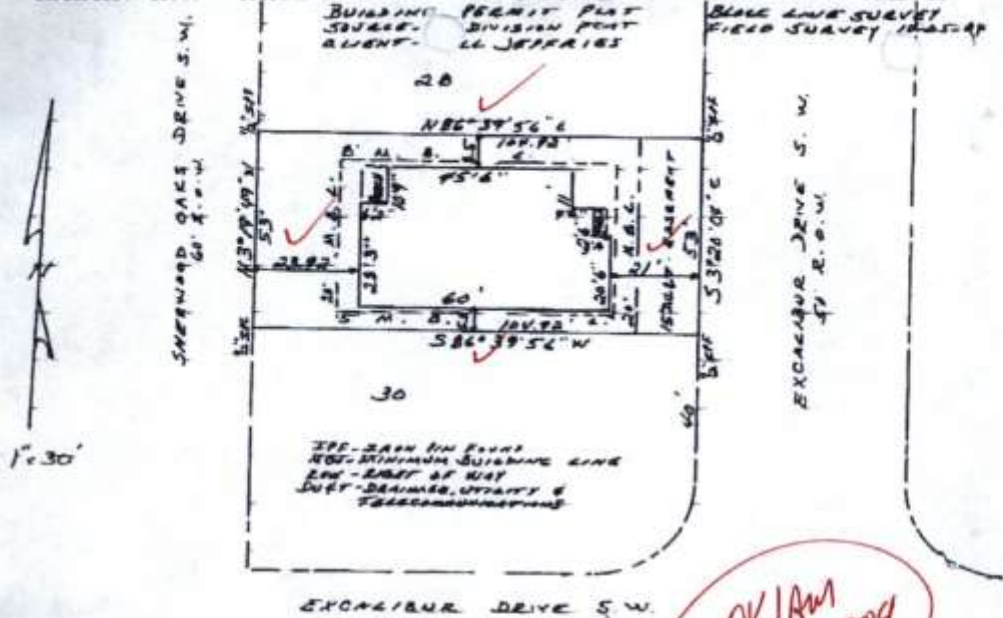
29,056

Apr. 5/2019

THE SPECIFICATIONS AND WARRANTY, AS OUTLINED HERE AND ON THE REVERSE SIDE OF THIS PROPOSAL ARE SATISFACTORY AND ARE HEREBY ACCEPTED BY THE BUYER. M. A. JACKSON CO. IS AUTHORIZED TO DO THE WORK AS SPECIFIED. THE BUYER HEREBY CERTIFIES THAT HE/SHE HAS READ THE ENTIRE CONTRACT, THAT THE TERMS AND CONDITIONS AND THE MEANING THERE OF HAVE BEEN EXPLAINED, AND THAT HE/SHE FULLY UNDERSTANDS THEM. IF YOU DID NOT SOLICIT THIS CONSUMER TRANSACTION AND IT IS CONSUMMATED AT A PLACE OTHER THAN M. A. JACKSON CO. PERMANENT PLACE OF BUSINESS, YOU, THE BUYER MAY CANCEL THIS CONTRACT TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THE SIGNED CONTRACT TRANSACTION. SEE ATTACHED NOTICE OF CANCELLATION FOR AN EXPLANATION OF THIS RIGHT.

CONSUMER - INSTALLER COPY

DESCRIPTION



STATE OF ALABAMA }
MORGAN COUNTY }

I, James R. Bedingfield, a registered Land Surveyor of Decatur, Alabama, hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Lot 29, Knights Place, Decatur Alabama, as shown by map or plat of said subdivision, on file and of record in the office of the Judge of Probate of Morgan County Alabama, situated, lying and being in the City of Decatur, Morgan County Alabama.

that the buildings now erected on said property are within the boundaries of same, that there are no rights-of-way, easements or joint driveways over or across said property visible on the surface, that there are no electrical or telephone wires, (excluding wires which serve the premises only) or structures or supports thereof, including poles, anchors and guy wires on or over said premises except as shown, and that the correct street address is 1258 Excalibur Drive SW., Decatur Alabama. That I have examined the FIA Flood Insurance Rate Maps dated May 2, 1999, Panel No. 01103C0060D and found that the above described property is located in a Zone AE flood zone. According to a letter from FEMA dated January 18, 2002 this property is now shown to be located in a Zone X flood zone.

According to my survey this the 28th day of September, 2004.
According to my survey this the 26th day of October, 2004.

James R. Bedingfield Reg. #9788
1415D Kathy Lane SW.,
Decatur Alabama
353-8645



SURVEY

