



BOARD OF ZONING ADJUSTMENT

AGENDA

JULY 2019

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MINUTES JUNE 2019

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

SUPERNUMERARIES: Rev. George Allen, Jr.

OTHERS PRESENT: Mr. Wally Terry, Director
.....and Custodian of Records
Mr. Chip Alexander, 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.

Chairman, Charles Taylor stated that by state law there would need to be four favorable votes by the Board to approve any request which were presented. There are only four Board members present which will require a unanimous vote by the Board for any request to be approved today. If anyone would like to continue their case until next month they may do so for this reason.

Mr. Bob Sims called the roll.

The Board considered the following applications and appeals.

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

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.

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.

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

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.

Mr. Aurelio Sanchez presented this case to the Board. Mr. Sanchez stated his address was 1411 Newman Av SW.

Mr. Sanchez stated he would like to use one room in his home for administrative purposes for his lawn care business.

Ms. Delayne Dean asked Mr. Sanchez about the number of trailers he had. Mr. Sanchez replied he had three. Mr. Sanchez stated he used two trailers at a time and that his brother, who lives at the same address, drives one trailer and he drives the other then they go and pickup two other employees.

Chairman, Charles Taylor asked for any further questions.

Mr. Bob Sims, Building Department, asked if Mr. Sanchez had anyone else who worked with him that lived in the same house. Mr. Sanchez stated yes he has a brother that lives with him and who works with him.

Mr. Bob Sims, Building Department, verified that his brother drives one of the trailers and picks up the other employees and that Mr. Sanchez would drive the other trailer. Mr. Sanchez stated yes that was correct.

Chairman, Charles Taylor reminded Mr. Sanchez that no other employees could come to his home and park their cars at his home. Mr. Sanchez understood.

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

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

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.

Mr. Ben Jeffreys presented this case to the Board. Mr. Jeffreys stated his address was 905 Rigel Dr. SW. Mr. Jefferys stated he would like to use one room in his home for administrative purposes for his pressure washing business.

Chairman, Charles Taylor asked Mr. Jeffreys if the property owner Jamie Knight was aware he was wanting to operate a business from that address. Mr. Jeffreys stated yes.

Ms. Delayne Dean asked Mr. Jeffrey's where his equipment was stored.

Mr. Jeffreys stated the equipment was kept in his vehicle. Mr. Jefferys stated he did have a few chemicals which are stored in his garage however, the chemicals are the same type of chemicals which anyone can purchase at local hardware stores.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, asked if he had any trailers. Mr. Jefferys replied yes it was kept at his father's house who lives in Priceville. Mrs. Smith recommended approval.

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

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.

Ms. Carbajas presented this case to the Board. Ms. Carbajas stated her address was 315 Blackberry Dr. SW. Ms. Carbajas stated she would like to use one room in her home for administrative purposes for a painting business. Mr. Collis Stevenson asked if she had any employees. Ms. Carbajas stated her husband helped her with the business.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, asked about the equipment she used for the business. Ms. Carbajas stated she had all types of equipment needed to perform the job.

Ms. Carbajas stated all of the supplies are stored on her truck. Ms. Carbajas verified that her neighbors are not able to see her equipment.

Mrs. Smith recommended approval.

Mr. Collis Stevenson asked if she had paint sprayers.

Ms. Carbajas stated yes she has paint sprayers

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. 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.

Mr. Anthony Roger presented this case to the Board. Mr. Rogers stated his address was 706 Busbey Rd SW. Mr. Rogers stated he would like to use one room in his home for his soap making business.

Chairman, Charles Taylor asked Mr. Rogers to explain how the soap was made.

Mr. Rogers stated a simple method. A base is melted in a pot and scents are added and then poured into a mold then cooled.

Chairman, Charles Taylor asked how large of an area he used in his home when making the soap. Mr. Rogers stated the top of a desk was all the room he used.

Chairman, Charles Taylor asked for any further questions.

Mr. Matthew Marques, Planning Department, asked Mr. Rogers if he was concerned with any smells which came from processing the soap. Mr. Rogers responded no he only uses essential oils to scent the soaps.

Mr. Bob Sims, Building Department, asked how much soap he has in stock at a time and where the soaps are sold.

Mr. Rogers stated he only made about 8 soaps at a time and at the moment he had one shop that has agreed to sell his soaps.

Mrs. Karen Smith, Planning Department, asked how the soaps were packaged.

Mr. Rogers stated that his wife did the packaging with cellophane paper and a bow.

Mrs. Smith recommended approval.

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

CASE NO. 6

Application and appeal of 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.

Ms. Diana Gomez presented this case to the Board. Ms. Gomez stated that her address was 1406 Cedar St SW. Ms. Gomez stated that she would like to use one room in her home for administrative purposes for a concrete construction business.

Chairman, Charles Taylor asked Ms. Gomez if the property owner was aware that she was wanting to use the home for a concrete construction business.

Ms. Gomez stated she had not been in contact with the property owner.

Chairman, Charles Taylor suggested that Ms. Gomez contact the property owner and let it be known what she was going to do. Ms. Gomez understood and stated she would contact them.

Mr. Collis Stevenson asked Ms. Gomez if she actually did the work herself.

Ms. Gomez stated that it was herself and her husband who did the work.

Chairman, Charles Taylor verified that the concrete work was from the ground up. Ms. Gomez stated yes that they had concrete forms and all the necessary equipment to get the job done. Additional equipment is rented if they do not own the proper equipment. The concrete is then ordered and delivered to the job site where they form it and finish it.

Chairman, Charles Taylor reminded Ms. Gomez any signage on vehicles could not have her home address located on it. Ms. Gomez understood.

Chairman, Charles Taylor asked for any further questions.

Mr. Bob Sims, Planning Department, asked about employees and where the trailer was stored and asked if there was alley access to move the trailer back and forth. Mr. Sims verified that no materials were brought back to the home.

Ms. Gomez stated that she did not have any employees and the trailer is stored in the back of the house which is accessed through the alley way. Ms. Gomez stated no materials from the job sites were brought back to the home, all the equipment was delivered by the rental company and picked up by the rental company.

Mr. Bob Sims, Building Department, recommended approval.

Mrs. Karen Smith, Planning Department, asked if any business related items was visible from the street.

Ms. Gomez stated the truck is parked in the front sometimes but, could be parked in the back.

Mr. Bob Sims, Building Department stated the truck could be parked in the front however, the trailer cannot be parked in the front. Ms. Gomez understood.

Mrs. Karen Smith, Planning Department, recommended approval.

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

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.

Mr. Brodrick Reedus presented this case to the Board. Mr. Reedus stated his address was 418 10th Av SW. Mr. Reedus stated he would like to use one room in his home for administrative purposes for his lawn care business.

Mr. Collis Stevenson asked if there were any employees.

Mr. Reedus stated he did not have any employees at this time.

Chairman, Charles Taylor reminded Mr. Reedus if he did have employees they could not report to his home and inquired if the home owner was aware that he wanted to use the home as an administrative office.

Mr. Reedus stated yes he was aware.

Chairman, Charles asked how his equipment was transported.

Mr. Reedus stated he had a trailer which is kept in the back yard he hooks up to haul his equipment.

Chairman, Charles Taylor asked for any further questions.

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

Mrs. Karen Smith, Planning Department, recommended approval.

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

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 Class 1 restaurant located at 14 East Moulton St, property is located in a B-5 Central Business District.

Mr. Michael Clemons and Mr. Josh Taylor presented this case to the Board. Mr. Clemons stated his address was 935 Spring Ct. SW and Mr. Josh Taylor stated his address was 1605 College St SE. Mr. Taylor stated he was the property owner of 14 East Moulton St. NE.

Mr. Clemons stated he was wanting to open a Class 1 restaurant at 14 East Moulton St NE.

Chairman, Charles Taylor noted that the questionnaire Mr. Clemons filled out states the operating hours of the restaurant would be Wednesday through Saturday from 6 pm until 1 am. However, the definition of restaurant in Chapter 2.5 of the City of Decatur code states that at least 1 meal per day shall be served at least 5 days a week. Chairman, Taylor asked Mr. Clemons to modify the questionnaire to reflect this requirement. Mr. Clemons changed the questionnaire.

Mr. Wally Terry, Director, stated to Mr. Clemons the intent of the ordinance.

The ordinance states the venue must be a restaurant first and has to serve meals just as a restaurant. Mr. Terry stated that the intent must be satisfied at this meeting that a meal will be provided just as it would be provided at a restaurant. Mr. Terry stated that this would be the best way for the results to be met that they were looking to achieve.

Mr. Clemons stated he was thinking of serving barbeque and such.

Mrs. Karen Smith, Planning Department, asked if a full kitchen was present in the building at this time.

Mr. Josh Taylor stated that this property has an area in the back where grilling could take place. This would not require the normally permitted kitchen vent hoods. However, they would include any grease interceptors that were required in the plans. Mr. Taylor stated this plan would also help them to save space.

Mr. Terry asked if the health department had been contacted because they have guidelines which would need to be followed.

Mr. Terry reminded Mr. Clemons and Mr. Taylor that the definition of a meal would need to be followed as it is written and that this concept as a Class 1 restaurant is still new to the City of Decatur.

Chairman, Charles Taylor said that as a Board they are here to make sure the applicant understands the guide lines which are stated in the questionnaire and that the intention is there to fully comply with the conditions as they are written. Chairman, Charles Taylor reminded the applicants that this Board is the first step to many steps which will need to be met before the process is complete.

Chairman, Charles Taylor asked for any further questions

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

Mrs. Karen Smith, Planning Department, recommended approval for a Class 1 restaurant.

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

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.

Ms. Jewel Freeman presented this case to the Board. Ms. Freeman stated her address was 609 Cherry St NW. Ms. Freeman stated she is wanting to build at 605 Vine St NW and plans for the house are larger than the setback requirements are at this time. Ms. Freeman stated the reason to build at this location was to be closer to her family member who is in need of assistance.

Chairman, Charles Taylor stated according to the survey that only a 4 foot variance on the front and a 4 foot variance on the back is all that is needed, Ms. Freeman verified and agreed.

Chairman, Charles Taylor asked for questions from the Board.

Mr. Bob Sims, Building Department, recommended approval.

Mrs. Karen Smith, Planning Department, recommended approval.

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

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. Mr. Andy Jackson with M. A. Jackson Co presented this case to the Board. Mr. Jackson stated that he was requesting a 4.5 foot setback variance to add a pre-engineered sunroom.

Chairman, Charles Taylor verified that the construction work would be all at the back side of the home, Mr. Jackson stated yes.

Chairman, Charles Taylor asked for questions from the Board.

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

Mrs. Karen Smith, Planning Department recommended approval.

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

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.

Mr. Marlon Medina presented this case to the Board. Mr. Medina stated his address was 2331 Anderson Dr. SW. Mr. Medina stated he would like to have an administrative office in his home for his painting business.

Chairman, Charles Taylor asked Mr. Medina if he had any employees.

Mr. Medina stated yes he does have employees however, most of them lived in Huntsville, Al.

Chairman, Charles Taylor told Mr. Medina that no employees were allowed to report to his home. Mr. Medina understood.

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 as submitted. Rev. George Allen seconded the motion. On a roll-call vote the motion carried.

Meeting adjourned at 4:49pm

Charles Taylor, Chairman

AGENDA JULY 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, July 30, 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 Brandon Crayton for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a cleaning service located at 309 Mark St SW, property is located in a R-2 Single-Family Residential Zoning District.

CASE NO. 2

Application and appeal of Pedro Mendez 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 foundation business located at 1607 Danville Rd SW, property is located in a R-2 Single Family Residential Zoning District.

CASE NO. 3

Application and appeal of Keith Williams 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 support service business located at 301 Conan Garden St SW, property is located in a R-2 Single Family Residential Zoning District.

CASE NO. 4

Application and appeal of Ketrina 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 service located at 1904 Cumberland Av SW, property is located in a R-2 Single Family Zoning District.

CASE NO. 5

Application and appeal of Karen Rosas 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 809 Clearview St SW, property is located in a R-2 Single Family Zoning District.

CASE NO. 6

Application and appeal of Nicholas Martin 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 413 Lafayette St NE Apt #2, property is located in a R-3H, Historic Single-Family Zoning District.

CASE NO. 7

Application and appeal of Richard Karl 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 seafood business located at 1802 Milligan St SW Apt #708, property is located in a R-4 Multifamily Residential Zoning District.

CASE NO. 8

Application and appeal of Anfernee Wallace 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 security business located at 1822 Tower St SE Apt A, property is located in a R-4 Multifamily Residential District.

CASE NO. 9

Application and appeal of Tyler Boyd 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 construction business located at 2806 Hunterwood Dr. SE, property is located in a R-2 Single Family Residential Zoning District.

CASE NO. 10

Application and appeal of Waffle Capital, Inc. for an exception from Section 25-80(a) (4) of the Zoning Ordinance in order to keep an existing non-conforming sign, located at 2202 6th Av SE, property is located in a B-2 General Business Zoning District.

CASE NO. 11

Application and appeal of William L. Pensworth and Melissa Pensworth from Section 25-10.9 (2) (g) for a 4 foot height variance in order to construct a new home, located at 3410 Highland Dr. SW, property is located in a AG-2 Single Family Residential Zoning District.

CASE NO. 1 309 MARK ST SW

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 2 1607 DANVILLE RD SW

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 3 301 CONAN GARDEN ST SW

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 4 1904 CUMBERLAND AV SW

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 5 809 CLEARVIEW ST SW

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 6 413 LAFAYETTE ST APT #2

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 7 1802 MILLIGAN ST SW

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 8 1822 TOWER ST SE APT A

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 9 2806 HUNTERWOOD DR SE

QUESTIONNAIRE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 10 2202 6TH AV SE

LETTER

REQUEST

PICTURE

Legend



HOME OCCUPATIONS



parcels



SENT MAILINGS TO

CASE NO 11 3410 HIGHLAND DR SW

ELEVATION

ELEVATION 2

ELEVATION 3


ROOF PLAN


FOUNDATION PLAN


SUB FLOOR PLAN

SECOND FLOOR PLANS

Legend

 HOME OCCUPATIONS

 parcels

 SENT MAILINGS TO