

# BOARD OF ZONING ADJUSTMENT

## AGENDA

November 10, 2021  
4:00 p.m.  
Special Call Meeting

**CASE NO. 1 203 2ND AV. SE..... 3**  
EMAIL PG. 1 .....4  
EMAIL PG. 2 .....5  
EMAIL PG. 3 .....6  
CERTIFICATE OF OCCUPANCY .....7  
MAP.....8

**CASE NO. 2 411 CLEARVIEW ST. SW ..... 9**  
QUESTIONNAIRE .....10  
MAP.....11



402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: White Wolf Entertainment, LLC Tony Hopkins  
 MAILING ADDR: 2310 Selma Street  
 CITY, STATE, ZIP: Decatur, AL  
 PHONE: 256-565-2694

PROPERTY OWNER: H.M Nowlin  
 OWNER ADDR: 203 2nd Ave SE  
 CITY, STATE, ZIP: Decatur, AL 35601 PHONE: 256-353-8400

ADDRESS FOR APPEAL: 203 2nd Ave 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)

Live Christmas Tree Lot @ 203 2nd Ave SE

Applicant Name (print) Tony Hopkins  
 Signature: Tony Hopkins  
 Representative Name (print) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date: 11-1-2021

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

Office Use Received By: Tam  
 Zone: B-5  
 Hearing Date: Special Meeting

~~Approved~~ Disapproved  
 Section 25-113

103 2<sup>nd</sup> Avenue SE  
 Lee Terry → 20211101 → Lee Terry

Polk, Tom

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**From:** Polk, Tom  
**Sent:** Friday, October 29, 2021 2:41 PM  
**To:** 'Tony Hopkins'  
**Cc:** Whiteside, Nancy; Sims, Bob  
**Subject:** RE: Application  
**Attachments:** BOZA Application (most recent 2020).pdf

**Importance:** High

Tony,

Below is from our City of Decatur Ordinance ([https://library.municode.com/al/decatur/codes/code\\_of\\_ordinances?nodeId=CO\\_CH25ZO](https://library.municode.com/al/decatur/codes/code_of_ordinances?nodeId=CO_CH25ZO)).

Approval of your CO will need a Board of Zoning Adjustment public hearing.

Attached is an application to be heard by this board.

The application fee is \$250.00.

You and I have discussed the possibility of a special called meeting to hear your case. The Building Department is working toward that goal but cannot work further without the completed application and filing fee. The target date for the special called meeting is November 10<sup>th</sup>.

After your submittal and fee payment, I will keep you updated on the status of the special called meeting.

If the special called meeting effort fails, your case will be heard November 30<sup>th</sup>.

Regards,  
Tom

**ARTICLE V. - TEMPORARY OCCUPANCY BUSINESSES**

Sec. 25-107. - Purpose.

The purpose of this article is to establish guidelines for the establishment and operation of temporary occupancy businesses in the city. It is intended that the operation of these activities be compatible with the integrity of the surrounding area by not creating adverse impacts.

Sec. 25-108. - Goals.

The goals of this article are:

- (1) To maintain the integrity of the city's business districts.
- (2) To have clear and enforceable criteria for the establishment and operation of a temporary occupancy business in the city.
- (3) To make adequate provisions for the allowance of a temporary occupancy business in the city.  
(Ord. No. 99-3531, § 1, 7-12-99)

Sec. 25-109. - Definition.

Temporary occupancy business shall mean:

- (1) A business not located in a building.
- (2) A business, including, but not limited to, fairs, carnivals, and circuses, located on a vacant lot or on a portion of a lot with another business, and operating on a seasonal or temporary basis **not to exceed ninety (90) days**.  
(Ord. No. 99-3531, § 1, 7-12-99)

Sec. 25-110. - Applicability.

(a) Temporary occupancy businesses shall be a use permitted on appeal subject to a public hearing before the board of zoning adjustment. The board of zoning adjustment may approve, approve on conditions, or deny the use permitted on appeal, subject to their review based on the criteria found in this article.

(b) Notwithstanding provisions to the contrary set forth in this chapter, a property in any zoning classification except residential may be authorized for a temporary occupancy business.

(Ord. No. 99-3531, § 1, 7-12-99)

Sec. 25-111. - Prohibition.

(a) Any type of business or occupancy which does not have a current certificate of occupancy or any occupancy which does not comply with this article shall be prohibited.

(b) All temporary occupancy businesses are prohibited in residential zoning districts.

(Ord. No. 99-3531, § 1, 7-12-99)

Sec. 25-112. - Requirements applicable to temporary occupancy businesses.

(a) Signs shall comply with the sign ordinance.

(b) Approved temporary toilet facilities shall be provided for the entire length of the occupancy.

(c) Off-street parking shall be provided in accordance with the zoning district and occupancy classification applied for on the application.

(d) A site plan showing the required parking shall be required.

(e) All electrical hookups shall comply with the currently adopted electrical code of the city.

(f) All portable storage/office buildings shall meet the manufacturer's installation instructions and the requirements of the currently adopted building code of the city.

(g) All tents shall comply with tent certification on flame resistance.

(h) A nonrefundable two hundred fifty dollars (\$250.00) application fee is required.

(i) A city business privilege license is required and a copy shall be submitted to the building department subsequent to all required approvals and license issuance.

(Ord. No. 99-3531, § 1, 7-12-99)

Sec. 25-113. - Required permits and approvals for a temporary occupancy business.

(a) Temporary occupancy businesses procedure. A request to the board of zoning adjustment for a temporary occupancy business shall be accomplished by submitting an application to the building director of the city, or his representative, on forms provided by the building department and providing such information as may be necessary for a determination as to whether the request complies in all respects to the terms of this article.

(b) Public hearing required. The building director will place the request for a temporary occupancy business on the agenda of the board of zoning adjustment for a public hearing and will transmit to the board of zoning adjustment all papers constituting the record of the application for a hearing before the board of zoning adjustment.

(c) Board approval or disapproval

(1) A use permitted on appeal to operate a temporary occupancy business may be granted by the board of zoning adjustment after holding a public hearing during a regularly scheduled meeting. The board of zoning adjustment may approve, approve on condition or deny such application after the public hearing based on their determination that the temporary occupancy business does or does not conform to this article. The board of zoning adjustment's decision is subject to appeal to the circuit court within fifteen (15) days of the public hearing in accordance with section 11-52-81, Code of Alabama 1975, as amended.

(2) Temporary occupancy business approvals are nontransferable. All temporary occupancy businesses are personal to the applicant and as such are nontransferable to another location and are good for the original time period only and subject to provisions of this article.

(Ord. No. 99-3531, § 1, 7-12-99)

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(Ord. No. 99-3531, § 1, 7-12-99)



www.CHARMING SCALE

**APPLICATION TO RE-OCCUPY AN EXISTING BUILDING,  
SPECIAL USE OR TEMPORARY OCCUPANCY**

*Please Print Information*

APPLICANT NAME:	Tony Hopkins
MAILING ADDRESS:	2310 Selma Street SW
CITY, STATE AND ZIP:	Decatur, AL 35603
PHONE:	256-565-2694
PROPERTY OWNER NAME:	H.M Nowlin
MAILING ADDRESS:	PO Box 1149
CITY, STATE AND ZIP, PHONE:	Decatur, AL 35602

- PROPERTY LOCATION, STREET ADDRESS: 103 2nd Ave SE Decatur, AL 35601
- NAME OF BUSINESS AS IT WILL APPEAR ON BUSINESS LICENSE:  
White Wolf Entertainment, LLC
- DESCRIBE THE INTENDED USE OF THE BUILDING: Vacant Lot - Live Christmas Tree Lot
- This application also covers temporary occupancy and special use. WHAT ARE THE BEGINNING & ENDING DATES OF SALE/EVENT? November 18th 2021 - December 18th 2021
- Will there be any construction performed such as alterations, repairs, or renovations (in preparation for) to occupancy, and if so, attach the appropriate permit application to this form?  YES, APPLICATION ATTACHED  NO
- Will there be any development to the property (to include building and/or parcel)? "Development" is defined as any man-made change to improved or unimproved real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials. YES  NO
- Will there be any SIGNS ERECTED/INSTALLED with the new occupancy and if so, attach a sign application to this form.  YES APPLICATION ATTACHED  NO  SIGN Contractor will obtain permit
- Will you or any tenant be using or occupying any portion of this structure, space or area for civic, social, worship, recreation or amusement (arcade or gaming type machine, billiards or other similar uses) that is subordinate and secondary to the use shown on your business license or this certificate for which you are applying?

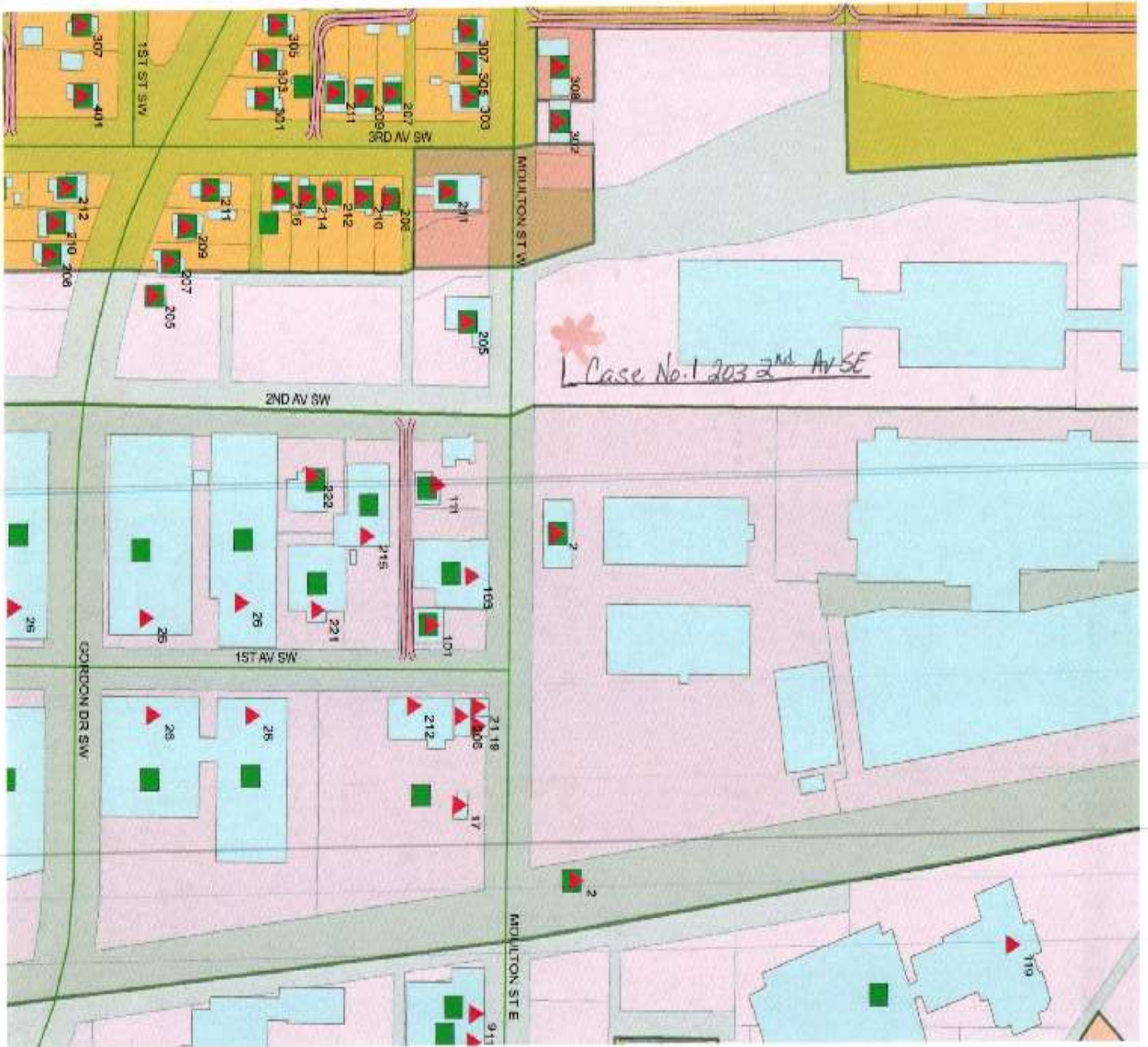
I hereby certify that I have read and examined this application and warrant the truthfulness of the information provided. All provisions of all laws and ordinances governing this type of use and occupancy will be complied with whether specified herein or not. The granting of a certificate of occupancy does not presume to give authority to violate or cancel any provisions of any federal, state or local law regulating the use, occupancy, construction, and/or the performance of construction. The Certificate of Occupancy may be revoked if any of the information provided is incorrect and/or was issued wrongfully.

APPLICANT SIGNATURE: [Signature] DATE: 10-21-2021 PRINT NAME: Tony Hopkins

**OFFICE USE ONLY:**

REVIEWED BY	DATE	ZONING	FLOOD HAZARD	OCCUPANCY TYPE
<u>[Signature]</u>	<u>11/1/2021</u>	<u>B-5</u>	<u>X</u>	<u>"M"</u>

# CERTIFICATE OF OCCUPANCY







402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Eric Reynolds  
 MAILING ADDR: 411 Clearview St. S.W.  
 CITY, STATE, ZIP: Decatur, AL 35601  
 PHONE: 256 355-2351

PROPERTY OWNER: Annie, Eric Reynolds  
 OWNER ADDR: 411 Clearview St. S.W.  
 CITY, STATE, ZIP: Decatur, AL 35601 PHONE: 256-355-2351

ADDRESS FOR APPEAL: 411 Clearview St. S.W. 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)

Handy-man  
Admin. office only

Applicant Name (print) <u>Eric Reynolds</u>	If applicant is using a representative for the request both signatures are required	Office Use Received By: _____
Signature <u>Eric Reynolds</u>		Zone _____
Representative Name (print) _____		Hearing Date _____
Signature _____		Approved/Disapproved _____
Date <u>10-26-2021</u>		



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: Eric Reynolds DATE: 10-26-2021  
 ADDRESS: 411 Clearview St. S.W., Decatur, AL

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

