

BOARD OF ZONING ADJUSTMENT

#### AGENDA

**March 2022**

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**Minutes FEBRUARY 2022**

**MEMBERS PRESENT:** Chair, Delayne Dean, Mr. Steven Thomas, Mr. Collis Stevenson

**COPIED TO:**  Rev. George Allen

**SUPERNUMERARIES:** Mr. Brad Townson, Mr. Larry Waye

**OTHERS PRESENT:** Mrs. Ruth Priest, Asst. City Attorney

Mr. Lee Terry, Planning Department

Mr. Bob Sims, Building Inspector

Mrs. Nancy Whiteside, Recorder

Chairperson, Delayne Dean called the meeting to order at 4:00 p.m. in the council chambers on the 1st floor at City Hall.

Mr. Bob Sims, Building Department, called the roll.

The minutes from the January 2022 meeting were approved without any changes. Mr. Larry Waye motioned to approve the minutes. Mr. Collis Stevenson 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 of the applicants acknowledged the rules and regulations were understood.

**TABLED FROM JANUARY 2022**

**CASE NO. 12**

Application and appeal of Decatur Orthopedics & Sports Medicine from Section 25-78 (d) and defined in Article VI, as amended and adopted, of the Zoning Ordinance in order to install two signs that does not meet the setback requirements located at 1106 16th Av SE, property is located in a MC Medical Center District.

The applicant DISMISSED this case prior to today’s meeting.

**FEBRUARY AGENDA**

**CASE NO. 1**

Application and appeal of Timothy Troullier 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 operate an administrative office for a handyman business located at 1605 2nd Av SW, property is located in a R-2 Single Family Zoning District.

Mr. Timothy Troullier presented this case to the Board. Mr. Troullier stated his name was Timothy Troullier and his address is 1605 2nd Av SW. Mr. Troullier stated he had heard and understood the rules and regulations for a home occupancy.

Mr. Troullier stated he would was requesting to have a handyman service and to be able to use a small building in his back yard for some wood working he would need to take to a client’s house, and use part of his house as an office.

Mr. Brad Townsend asked Mr. Troullier about the type of work he would be doing.

Mr. Troullier stated he works with shutters and specialty gates for houses.

Mr. Troullier stated he often builds items at his home and then delivers and installs at the clients home.

Mr. Steven Thomas asked Mr. Troullier materials other than wood would be used for the gates that he builds. Mr. Troullier stated he uses all wood.

Chair, Dean asked Mr. Troullier if the building was large enough to contain all of his work, Mr. Troullier stated yes.

Chair, Dean verified with Mr. Troullier that there would not be supplies kept in his driveway. Mr. Troullier agreed nothing would be in his driveway.

Mr. Steven Thomas verified that Mr. Troullier would not have supplies delivered to his home, Mr. Troullier agreed.

Mr. Troullier stated the supplies are hidden by the fence or stored in the building in the back yard.

Mr. Larry Waye stated Mr. Troullier description, for the work, sounded more like a carpentry business rather than just a home office.

Mr. Larry Waye, explained to Mr. Troullier the zoning laws prohibit carpentry work in a residential area.

Mr. Larry Waye, feels the work being described falls under the carpentry aspect.

Mr. Larry Waye, asked Mr. Troullier if he could cut the boards for the gates and shutters at the client’s home preventing the carpentry factor.

Mr. Troullier stated he could make all of his cuts at the client’s home and agreed to do this at the client’s home.

Mr. Larry Waye stated that doing small shutter work at Mr. Troullier’s home should not be a problem.

Chair, Dean asked for further questions from the Board or the public.

There were no further comments.

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

Mr. Lee Terry, Planning Department, had no comments.

Mr. Larry Waye motioned to approve this case with the condition Mr. Troullier do the carpentry work, such as building fence gates at the client’s home and not at Mr. Troullier’s home. Mr. Brad Townsend seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 2**

Application and appeal of JaVonte Gardner 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 operate an administrative office for a handyman business located at 1501 16th Av SW, property is located in a R-2 Single Family Zoning District.

Mr. JaVonte Gardner presented this case to the Board. Mr. Gardner stated his name was JaVonte Gardner and his address was 1501 16th Av SW. Mr. Gardner stated he would like to use one room in his home for a handyman business.

Mr. Gardner stated all of the work could be completed at the client’s home.

Mr. Gardner stated he had heard and understood all of the rules and regulations of a home occupation.

Chair Dean asked for questions from the Board or the public.

There were no comments.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Collis Stevenson motioned to approve this case as submitted. Mr. Larry Waye seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 3**

Application and appeal of Teara Connally-Fields 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 operate an administrative office for a freight broker service located at 1206 Fremont St SW, property is located in a R-2 Single Family Zoning District.

Ms. Teara Connally-Fields presented this case to the Board. Ms. Connally-Fields stated her name was Teara Connally-Fields and her address was 1206 Fremont St. SW. Ms. Connally-Fields stated she would like to use one room in her home for a freight broker business.

Ms. Connally-Fields stated she was a certified freight broker and the work is all internet based and there would not be any clients going to her home.

Ms. Connally-Fields stated she does not have any employees.

Ms. Connally-Fields stated she does not advertise.

Chair, Dean verified that Ms. Connally-Fields understood all of the rules and regulations of a home occupancy. Ms. Connally-Fields understood.

Chair, Dean asked for questions from the Board or the public.

There were no comments.

Mr. Larry Waye motioned to approve this case as submitted. Mr. Steven Thomas seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 4**

Application and appeal of Kristi Lawson 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 operate an on-line vinyl monogramming business located at 715 Cedar Lake Rd SW Apt 912, property is located in a R-4 Multi-Family Zoning District.

Ms. Kristi Lawson presented this case to the Board. Ms. Lawson stated her name was Kristi Lawson and her address was 715 Cedar Lake Rd SW Apt 912. Ms. Lawson stated she would like to use one room in her home for an on-line vinyl monogramming business.

Ms. Lawson stated the equipment she uses is all small items that is able to sit on her tabletop.

Mr. Larry Waye asked Ms. Lawson about the size of her heat press.

Ms. Lawson stated the heat press was 15x15 and sits on a sawhorse.

Chair Dean asked for questions from the Board or the public.

There were no comments.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Brad Townson motioned to approve this case as submitted. Mr. Steven Thomas seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 5**

Application and appeal of Levita Balentine 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 operate an on-line business selling hair and beauty products located at 2927 Frost Dr. SW, property is located in a R-6 Single Family Semi-Attached Residential District.

Ms. Levita Balentine presented this case to the Board. Ms. Balentine stated her name was Levita Balentine and her address was 2927 Frost Dr. SW. Ms. Balentine stated she would like to use one room in her home to sell on-line hair and beauty products and to do pop up shops once in a while.

Ms. Balentine stated she had heard and understood all of the rules and regulations of a home occupation.

Chair Dean asked for questions from the Board or public.

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

Mr. Lee Terry, Planning Department, had no comments.

Mr. Steven Thomas motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 6**

Application and appeal of Stan Moore for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI. As amended and adopted, of the Zoning Ordinance to operate an on-line small woodworking business located at 3824 Lakeside Dr. SW, property is located in a R-2 Single Family Residential District.

Mr. Stan Moore presented this case to the Board. Mr. Moore stated his name was Stan Moore and his address was 3824 Lakeside Dr. SW. Mr. Moore stated he would like to operate a small custom woodworking shop.

Mr. Moore stated he had heard and understood all of the rules and regulations of a home occupation.

Mr. Moore stated he would be making custom shower mats from teak wood for rv trailers.

Mr. Moore stated all work would be inside.

Mr. Moore stated there would not be any customers coming to his home.

Mr. Moore stated there would not be any freight deliveries.

Mr. Steven Thomas asked Mr. Moore to explain more fully, what he would be making, Mr. Moore explained what he would be making, Mr. Thomas understood.

Mr. Moore explained, orders would be placed on-line, and then he would take the order to Fed-Ex for delivery.

Mr. Larry Waye asked Mr. Moore if he had heard the previous discussion about wood carpentry versus a hobby turned into a small sales business, Mr. Moore acknowledged he heard the conversation.

Mr. Brad Townson asked Mr. Moore about the amount of volume he expected. Mr. Moore stated he expects to have orders for 50-60 per year.

Chair Dean verified all materials would be contained inside the garage.

Chair Dean reminded Mr. Moore only small items could be made and if he began to make large items he would need to move to a different location, Mr. Moore understood.

Chair Dean asked for further questions from the Board or the public.

There were no comments.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Steven Thomas motioned to approve this case as submitted. Mr. Brad Townson seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 7**

Application and appeal of Tracey D. King 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 operate an administrative office for a hot shot transport business located at 2500 Spring Av SW Apt. 137, property is located in a R-4 Multi-family Residential District.

Ms. Tracey King present this case to the Board. Ms. King stated her name was Tracey King and her address was 2500 Spring Av SW Apt 137. Ms. King stated she would like to use one room in her home for a transportation business.

Ms. King stated she had heard and understood all of the rules and regulations of a home occupation.

Ms. King explained her business platform and that she would be picking up trailers and delivering the trailer to a given location within a five state area.

Ms. King stated only her F-350 would be kept at her apartment.

Mr. Collis Stevenson verified that the truck would be a dually, Ms. King stated yes.

Ms. King explained to the Board that she has several different trailers and a semi-truck she keeps at another location.

Chair Dean asked for further question from the Board or the public.

There were no comments.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Steven Thomas motioned to approve this case as submitted. Mr. Brad Townson seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 8**

Application and appeal of Ricky 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 operate an administrative office for a DJ business located at 1928 Westmeade St SW, property is located in a R-2 Single Family Residential District.

Mr. Ricky Wallace presented this case to the Board. Mr. Wallace stated his name was Ricky Wallace and his address was 1928 Westmeade St. SW. Mr. Wallace stated he would like to use one room in his house for administrative purposes for his DJ business.

Mr. Wallace stated he had heard and understood all of the rules and regulations of a home occupation.

Mr. Wallace stated he had been a DJ for many years and he DJ’s for birthday parties, weddings, dances just about anything.

Mr. Wallace stated he has a small trailer where he stores his equipment and the trailer stays inside the garage.

Chair Dean asked for questions from the Board or the public.

There were no comments.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Collis Stevenson motioned to approve the case as submitted. Mr. Brad Townsend seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 9**

Application and appeal of Misti D Smith 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 operate a small home craft business located at 4402 Dogwood Dr. SW, property is located in a R-2 Single Family Residential District.

Ms. Misti Smith presented this case to the Board. Ms. Smith stated her name was Misti Smith and her address is 4402 Dogwood Dr. SW. Ms. Smith stated she would like to use one room in her home for a small crafting business.

Ms. Smith stated she had heard and understood all of the rules and regulations of a home occupation.

Ms. Smith stated she would be doing a mail order type business making ornaments, magnets, picture, custom tumblers, and such.

Chair Dean asked Ms. Smith about the equipment she used.

Ms. Smith stated she had a cricket, heat press, two printers; one of the printers has sublimation ink, and one with regular ink.

Ms. Smith stated the work is contained in one spare bedroom.

Ms. Smith stated all of the equipment fits on a tabletop.

Chair Dean asked for questions from the Board or the public.

There were no comments.

Mr. Collis Stevenson motioned to pass this case as submitted. Mr. Larry Waye seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 10**

Application and appeal of Jorge Cornelio 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 operate an administrative office for a welding business located at 1301 Camellia Dr. SW, property is located in a R-2 Single Family Residential District.

Mr. Jorge Cornelio presented this case to the Board. Mr. Cornelio stated his name was Jorge Cornelio and his address was 1301 Camellia Dr. SW. Mr. Cornelio stated he would like to use one room in his home for administrative purposes for his welding business.

Chair Dean asked for questions from the Board.

Mr. Brad Townson asked Mr. Cornelio about the type of equipment he would be using.

Mr. Cornelio stated he uses a generator that he takes to the job site but he keeps all his other welding equipment in a locked storage that he can access what he needs for the different jobs.

Chair Dean asked for further questions from the Board or the public.

There were no comments. Mr. Larry Waye motioned to pass this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 11**

Application and appeal of Katherine Wright 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 operate an administrative office for a cleaning business located at 4403 Autumn Leaves Trail SE, property is located in a R-1 Single Family Residential District.

Ms. Katherine Wright presented this case to the Board. Ms. Wright stated her name was Katherine Wright and her address was 4403 Autumn Leaves Trail SE. Ms. Wright stated she would like to use one room in her house for a cleaning business.

Chair Dean verified Ms. Wright had heard and understood the rules and regulations of a home occupation.

Mr. Steven Thomas asked Ms. Wright if she would be cleaning homes or commercial building.

Ms. Wright stated she cleans both residential and commercial buildings.

Chair Dean asked for further questions from the Board or the public.

Ms. Lou Gathany 4407 Autumn Leaves Trail came forward. Ms. Gathany stated she had witnessed, at this residence, cleaning of vehicles.

Ms. Wright stated that was her brother’s business.

Ms. Gathany doubted if that business had a license.

Ms. Gathany stated it brings in vehicles into the neighborhood and a placard is setup in the street.

Ms. Gathany was unsure of the legitimacy of the cleaning business with the car washing taking place.

Ms. Anne Peppler at 4313 Autumn Leaves Trail stated she was opposed to the business also because there was extra traffic on the street, which makes a hazard for small children and people trying to walk.

Chair Dean explained to Ms. Gathany and Ms. Peppler that the car washing business was a separate issue, and they would need to contact the Building Department or the Revenue Department to have that issue investigated.

Chair Dean explained to Ms. Gathany and Ms. Peppler that Ms. Wright was applying for an administrative office for a cleaning service and this business will not increase traffic.

Ms. Gathany was still unsure of the legitimacy of the business.

There was discussion among the Board about the testimony given by Ms. Gathany and Ms. Peppler.

Ms. Wright stated her brother no longer lives at the residence and there is no longer a vehicle cleaning business located there.

Mr. Larry Waye asked Ms. Wright if the information Ms. Gathany and Ms. Peppler presented was the truth, but that is a past situation.

Ms. Wright agreed it was correct and that it happened before she had her own business.

Mr. Steven Thomas asked Ms. Wright how long she had been in business and how long her brother had stopped cleaning cars.

Ms. Wright stated she had been in business only a few weeks and her brother had moved to Madison 3 months ago and that was when the car washing stopped.

Mr. Larry Waye asked Ms. Wright if she was cleaning cars at the residence or if she planned to clean cars at the residence, Ms. Wright stated no.

Chair Dean explained to Ms. Wright that the Board would be approving for an administrative office to use one room in her house for a cleaning business and there could not be any evidence of a business at the house, Ms. Wright understood.

Chair Dean explained to Ms. Gathany and Ms. Peppler if they saw any evidence that a business may be taking place at the residence to call the Building Department or the Revenue Department so the activity could be investigated.

Mr. Larry Waye explained again that there should not be any additional activity, no additional traffic, and no employees coming to the house.

Mr. Steven Thomas asked Ms. Wright if the placard for the car wash was still there.

Ms. Wright said her brother had put out a placard when he first started cleaning their mother’s car to try to gain business but he does not live there anymore and does not do that anymore.

Chair Dean asked for further questions from the Board or the public.

There were no further comments.

Mr. Bob Sims, Building Department, told Ms. Wright not to let her brother clean cars at her house. Ms. Wright understood.

Mr. Lee Terry, Planning Department, stated as long as Ms. Wright understands the rules and regulations of a home occupancy he does not have a problem approving the request.

Mr. Brad Townson motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote of 4-1, the motion carried.

**CASE NO. 12**

Application and appeal of Puni Patel for a determination as a use permitted on appeal as allowed in Section 25-11 and defined in Article VI of the Zoning Ordinance for a R-1 Single Family Residential use in a B-1 Local Shopping Business District located at 3221 Danville Rd SW.

Mr. Puni Patel presented this case to the Board. Mr. Patel. Stated his name was Puni Patel and his address was 3227 Danville Rd.

Mr. Patel stated he would like to use the address of 3221 Danville Rd. SW, which is located in a business district, for residential use.

Chair Dean asked for questions from the Board or the public.

Chair Dean reiterated the use Mr. Patel intended for the property.

There were no questions from the Board or the public.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Larry Waye motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote of 5-0, the motion carried.

**CASE NO. 13**

Application and appeal of Joel and Laura McWhorter for a determination as a use permitted on appeal as allowed in Section 25-12 and defined in Article VI of the Zoning Ordinance, in order to occupy an existing house at 1609 Cedar St SW, located in a M-1A, Expressway Commercial Zoning District.

Joel and Laura McWhorter presented this case to the Board. Ms. McWhorter stated their names were Joel and Laura McWhorter and their address was 3708 Timberlake Ct. SW.

Ms. McWhorter stated they would like to use the house, which is located in a M-1A zoning district for residential use.

Chair Dean stated she understood the property once was a business, Mr. and Mrs. McWhorter agreed.

Chair Dean asked for questions from the Board or the public.

There were no comments.

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

Mr. Lee Terry, Planning Department, had no comment.

Mr. Collis Stevenson motioned to approve this case as submitted. Mr. Larry Waye seconded the motion. On a roll-call vote of 5-0 the motion passed.

**CASE NO. 14**

Application and appeal Olivia Hernández Torres for a determination as a use permitted on appeal as allowed in Section 25-11 and defined in Article VI of the Zoning Ordinance, in order to construct an 8- unit apartment building located at 1102 Moulton St. W., property is located in a B-1 Local Shopping District.

This case was DISMISSED when no one came forward to present the case.

Meeting adjourned at 4:45 p.m.

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Delayne Dean, Chair

## AGENDA

## March 2022

The Board of Zoning Adjustment of the City of Decatur will hold a public meeting in the COUNCIL CHAMBERS ON THE FIRST FLOOR OF City Hall, 402 Lee Street NE, on Tuesday, March 29, 2022 at 4:00 p.m. And, also broadcast live on City of Decatur You Tube Channel at https://www.youtube.com/c/Cityof DecaturAl for the purpose of hearing the following applications and appeals at which time all interested parties are requested to the be present and will be given an opportunity to be heard. Questions can also be submitted via email at [bozaquestions@decatur-al.gov](mailto:bozaquestions@decatur-al.gov).

**CASE NO. 1**

Application and appeal of Katie Smith for a determination as a use permitted on appeal as allowed in Section 25-95 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to operate a Group Day Care Facility. Operating from 6:00 a.m. to 6:30 pm located at 1702 Dianne St. SW, property is located in a R-2 Single-Family Residential District.



case no. 1 1702 dianne st. sw



## MAP