

BOARD OF ZONING ADJUSTMENT

AGENDA

April 2022

Table of Contents

MINUTES MARCH 2022	3
AGENDA	5
APRIL 2022	5
CASE NO. 1 1631 NORTH ST SE	7
SURVEY.....	8
MAP	9
CASE NO. 2 4205 DECATUR ST SE	10
REQUEST DESCRIPTION	11
REQUEST DESCRIPTION PG 2	12
MAP/PROPERTY DESCRIPTION	13
CASE NO. 3 3030 MODAUS RD SW	14
MAP	15
CASE NO. 4 4705 JOE DAVIS DR. SE	16
MAP	17
CASE NO. 5 3340 POINT MALLARD PKWY SE	18
MAP	19
CASE NO. 7 1104 BELTLINE RD SE	20
PARKING LOT LAYOUT	21
MAP	22

Minutes March 2022

MEMBERS PRESENT: Chair, Delayne Dean, Mr. Steven Thomas, Mr. Brad Townsend

COPIED TO: Mr. Collis Stevenson, Rev. George Allen, Mr. Chester Ayers

SUPERNUMERARIES: 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 February 2022 meeting were approved without any changes. Mr. Steven Thomas motioned to approve the minutes. Mr. Larry Waye seconded the motion. On a voice vote, the motion carried.

POINT OF INFORMATION: The rules and regulations of a home occupation were explained to the applicant requesting a home occupation. The applicant acknowledged the rules and regulations were understood.

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.

Ms. Katie Smith presented this case to the Board. Ms. Smith stated her name was Katie Smith and her address was 1702 Dianne St. SW. Ms. Smith stated she was asking permission to operate a group home day care at her home for the hours of 6:00 a.m. until 6:30 p.m.

Ms. Smith stated she understood there was a conflict with the hours she had requested however, she was asking for this timeframe because she hoping to start with six children and determine if this was something she truly wanted to continue.

Ms. Smith explained she was unsure if she would want to work a night shift and asked the Board if that would be something she would have to include.

Chair Dean, explained to Ms. Smith that a group day care is up until the hours of 7p.m. Mrs. Ruth Priest, Asst. City Attorney explained to Ms. Smith that her home is zoned R-2 and

nighttime home daycares are not allowed and night time day care are only allowed in an I-D zoning district.

Mr. Bob Sims, Building Department, explained to Ms. Smith the hours allowed for the different categories for daycares, Ms. Smith understood.

Mr. Larry Waye asked Ms. Smith the height of her fence and if she had a locking gate.

Ms. Smith replied the fence was 6 feet tall and the gate locks.

Mr. Brad Townsend verified Ms. Smith was starting with only six children.

Chair Dean, stated to Ms. Smith she could only have six children up until the hour of 2 p.m. After 2p.m., Ms. Smith would be allowed to have add another 6 children from 2 p.m. until 7 p.m. Ms. Smith understood.

Chair Dean explained to Ms. Smith if she decided to add a nighttime shift she would need to come back before the Board and make a new request, Ms. Smith understood.

The Board and Ms. Smith discussed the type of daycare she would open.

Ms. Smith made the determination to ask for daycare and group daycare in case she had the opportunity to add children after school hours.

Ms. Smith made the correction on her application to include both daycare and group daycare.

Mrs. Ruth Priest explained exactly the way the ordinance reads ensuring everyone understood the request and the Board understood what they were approving.

Mr. Steven Thomas asked Ms. Smith if she would be going to the schools to pick up any of the children. Ms. Smith stated she did not intend to provide that service.

Chair Dean, asked for comments from the public.

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

Mr. Lee Terry, Planning Department, recommended approval.

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

Meeting adjourned at 4:13 p.m.

Chair, Delayne Dean

AGENDA

April 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, April 26, 2022 at 4:00 p.m. And, also broadcast live on City of Decatur You Tube Channel at <https://www.youtube.com/c/CityofDecaturAl> 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. Questions can also be submitted via email at bozaquestions@decatur-al.gov.

CASE NO. 1

Application and appeal of Steve Graham for a 7-foot side yard setback variance from Section 25-14 and defined in Article VI of the Zoning Ordinance in order to build a new house located at 1631 North St SE, property is located in a R-4 Multifamily Residential District.

CASE NO. 2

Application and appeal of Pine Island Partners, LLC from Section 25-12.2 and defined in Article VI, as amended and adopted, of the Zoning Ordinance in order to develop a boarding house located at 4205 Decatur St SE, property is located in an I-D Institutional District.

CASE NO. 3

Application and appeal of David Frank for a use permitted on appeal from Section 25-11 and defined in Article VI in order to produce freshly roasted coffee beans and sell the coffee beans located at 3030 Modaus Rd SW, property is located in a B-2 General Business District

CASE NO. 4

Application and appeal of Pearlean Jones for a use permitted on appeal from Section 25-12.1 and defined in Article VI in order to have a mobile home park located in an AG-1 Agricultural District located at 4705 Joe Davis Drive SE.

CASE NO. 5

Application and appeal of Aaron J. Guthrie and Indian Hill Partners for a use permitted on appeal from Section 25-11 and defined in Article VI in order to develop a multi-family project located at 3340 Point Mallard Parkway SE, property is located in a B-2 General Business District.

CASE NO. 6

Application and appeal of Triland, LLC from Section 25-16 (f) and defined in Article VI for a 5 space parking variance reduction located at 1104 Beltline Road SE, property is located in a M-1A Expressway Commercial District.

①

4.001
April 26th Due by April 10th



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: RBSTV (Steve Graham)
MAILING ADDR: P.O. Box 17
CITY, STATE, ZIP: Decatur, AL 35602
PHONE: 256-445-1257

PROPERTY OWNER: Ocean Coast LLC
OWNER ADDR: P.O. Box 849
CITY, STATE, ZIP: Decatur, AL 35602 PHONE: 256-445-1257

ADDRESS FOR APPEAL: 1631 North St SE, Decatur AL 35601

NATURE OF APPEAL:

- ☐ HOME OCCUPATION ☒ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative MUST be present in order
For the case to be heard*****

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

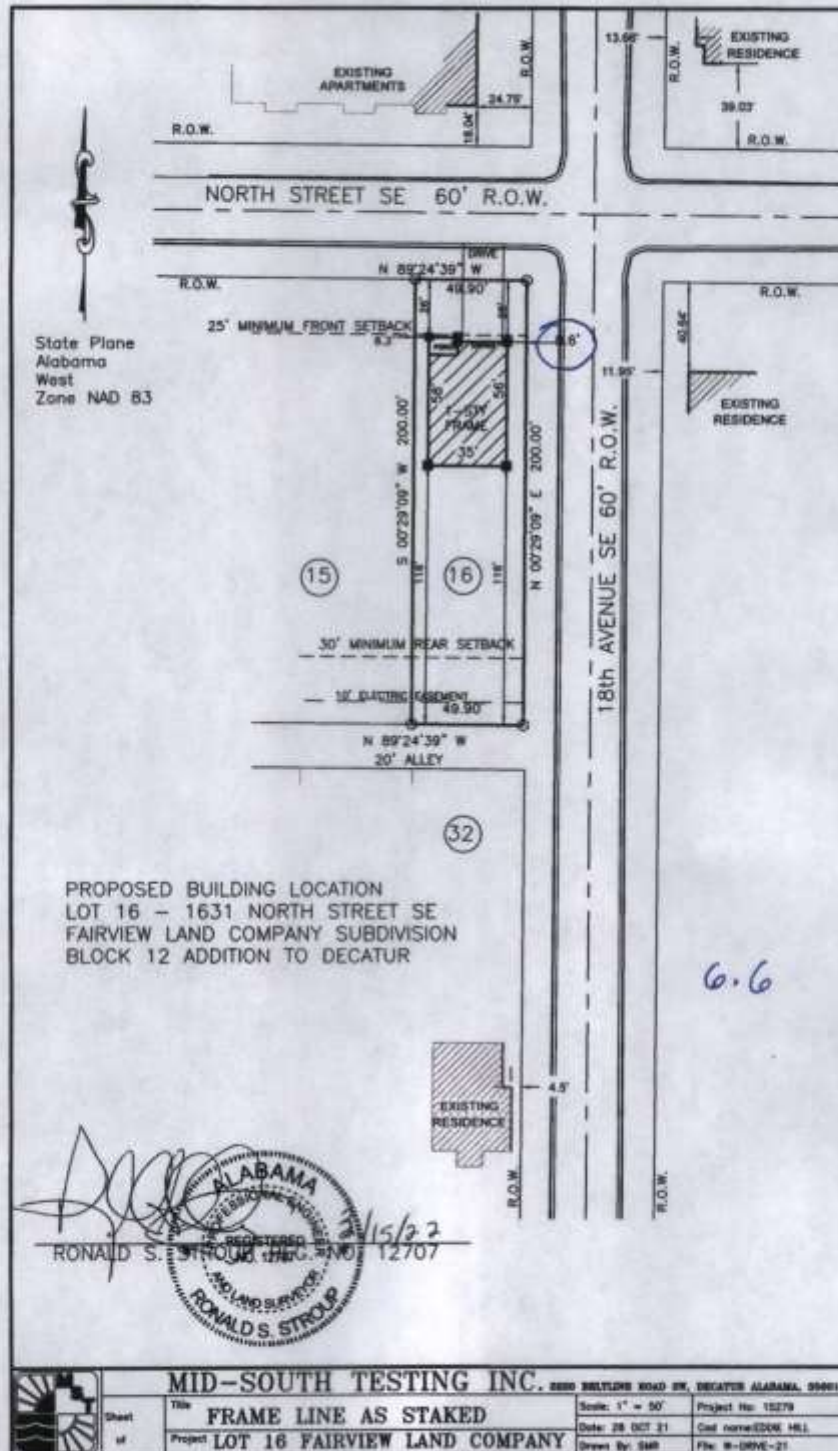
Need setback SAME AS ADJACENT house
South on College St. - 7ft side yard
setback (8ft) to build new house.

Applicant Name (print) Steve Graham
Signature [Signature]
Representative Name (print) _____
Signature _____
Date 3/22/22

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

Office Use Received By: [Signature]
Zone R-4
Hearing Date 4/26/2022
Approved/Disapproved _____

CASE NO. 1 1631 NORTH ST SE



SURVEY



MAP

2



City Hall, Council Chamber 402 Lee St NE @ 4:00PM

Board of Zoning Adjustment

APPLICANT: Pine Island Partners, LLC
MAILING ADDR: 4407 Willowbend Road, SE
CITY, STATE, ZIP: Decatur, AL 35603
PHONE: (256) 227-9312 (256) 355-9312

PROPERTY OWNER: Pine Island Partners, LLC
OWNER ADDR: 4407 Willowbend Road, SE
CITY, STATE, ZIP: Decatur, AL 35603
PHONE: (256) 227-9312 (256) 355-9312

ADDRESS FOR APPEAL: 4205 Decatur Street, SE 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)
Please consider adding this to the March 29, 2022 agenda. Please see the attached documents.

Applicant Name (print) <u>Pine Island Partners, LLC</u>	If applicant is using a representative for the request both signatures are required	Office Use Received By: <u>Cindy</u>
Signature: <u>Rebecca S. Allen</u>		Zone <u>1-D</u>
Representative Name (print) <u>J. Witty Allen</u>		Hearing Date <u>4/26/22 4:00 pm</u>
Signature: <u>[Signature]</u>		Approved/Disapproved _____
Date <u>March 28, 2022</u>		

CASE NO. 2 4205 DECATUR ST SE

EXHIBIT TO APPLICATION FOR ZONING VARIANCE

The Subject Property at 4205 Decatur Street, SE, Decatur, Alabama 35603 was purchased from Morgan County, Alabama in April of 2021. By reputation it was constructed as a Juvenile Detention Center in the mid-sixties while a part of the town of Flint. More recently it was occupied by the Morgan County Drug Task Force. It occupies 2.1 Acres with a 2,336 square foot residential structure of which 2,322 is heated and cooled and there is also a detached heated, cooled and plumbed Annex of approximately 600 square feet heated which is presently used for storage. The main dwelling has 5 showers and a shower tub, six toilets, and eight sinks. The exterior walls primarily brick and the interior walls are of mixed composition but predominantly concrete block. No change in the foot print of either building is requested.

The property is presently rented to an entity called "The Reprieve, LLC, which has the stated purpose "To provide pastoral and personal counseling services to recovering addicts and alcoholics, to provide institutional private group housing residential spaces incidental to the provision of educational, counseling, religious, or similar services to active participants in programs designed to promote substance and alcohol abuse recovery, to provide assistance in locating employment, to provide assistance in the development of life skills, to provide referrals for drug and alcohol abuse recovery programs and to support and disciple former addicts and alcoholics in the Christian walk." This entity is entirely funded by private pay, which is the responsibility of participants with no public assistance. Reportedly the operation there engaged participants to subscribe to either a six (6) month program for methamphetamine addiction or a nine (9) month program for alcohol or opiate addictions. Upon satisfactory completion of the program participants are "Graduated" and receive a certificate to evidence such and afford proof for court. A substantial number of the participants were referred there as part of the Morgan County Drug Court Program as an alternative to incarceration. All participants are required to submit to random drug tests, actively participate in an AA or NA program, participate in regular Bible studies and church activities, promptly obtain and hold employment and to pay for the services provided on a weekly basis. No meals are provided but a kitchen is available for individuals or ad hoc groups to prepare meals and donors are encouraged to provide meals on evening of group activities.

The present zoning is Institutional. Allowable uses for such provide: Uses permitted: Public and private schools, colleges and academies; auditoriums, coliseums, gymnasiums, cafeterias, fraternity and sorority houses, stadiums, athletic fields in connection with public or private schools, colleges and academies; religious, fraternal and charitable institutions; orphanages; gardens; playgrounds; parks; public buildings and

REQUEST DESCRIPTION

book shops.

Accessory structures and uses customarily incidental to the above permitted uses.

Uses permitted on appeal: Churches, rooming and boarding houses; restaurants; gift shops; newsstands; and subject to all district requirements of an R-4 district as specified in section 25-10 customarily home occupations.

The present owner and tenant interpret the present use as being within that definition of a private academy but if not, then possibly a rooming house (but this exceeds times stated) or boarding house (but no meals are provided) or residential uses permitted in an R-4 residential district. It is because of the demands of the Community Development Department and a condemnation order entered by that Department that this application is filed. As of Friday all public utilities were terminated and the premises were posted as condemned. All occupants were required to relocate and an immediate relieve is requested to allow at least temporary restoration of utilities and use of the premises.

PARCEL #: 12 04 17 0 002 022.000
OWNER: MORGAN COUNTY C/O PINE ISLAND PARTNERS LLC
ADDRESS: 4407 WILLOW BEND RD SE DECATUR AL 35603
LOCATION: 4205 DECATUR STREET SE AL

[600-E0] Baths: 1.0 H/C Sqft: 2,973
6THAVECOMM Bed Rooms: 0 Land Sch: AM
Land: 43,400 Imp: 152,800 Total: 196,200
Acres: 0.000 Sales Info: 04/14/2021
\$150,000

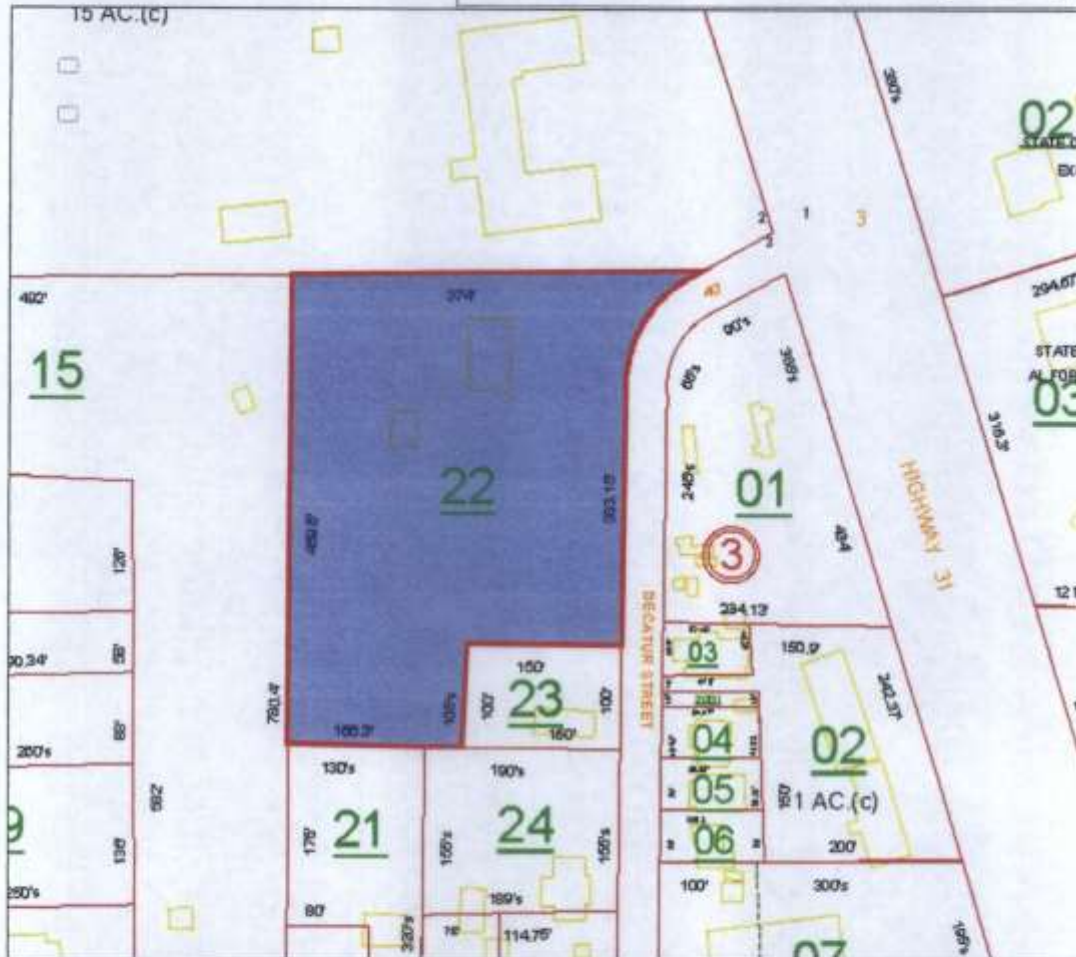
<< Prev Next >> [1 / 0 Records] Processing...

Tax Year: 2021

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

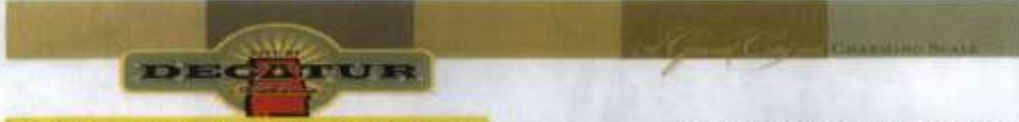
Report ☐ Measure ☐
Aerials

Recent ☒ Previous ☐ Nbrhd Sales Show Sales
Clear Sales



MAP/PROPERTY DESCRIPTION

(3)



City Hall, Council Chamber 402 Lee St NE @ 4:00PM

Board of Zoning Adjustment

APPLICANT: David Frank
MAILING ADDR: 1254 Excalibur Dr SW
CITY, STATE, ZIP: Decatur, AL 35603
PHONE: 256-345-4121

PROPERTY OWNER: David Frank
OWNER ADDR: 1254 Excalibur Dr SW
CITY, STATE, ZIP: Decatur, AL
PHONE: 256-345-4121

ADDRESS FOR APPEAL: 3030 Modaus Rd 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)

I am requesting the use of the commercial kitchen to be able to produce freshly roasted coffee as a food processor. I plan to start as a local roastery, with a small store front to sell the coffee bags from. Since I am a self-funded startup, over time I plan to use the restaurant space to serve coffee. The heated dimensions are 40'x45'. Vent pipe needed.

Applicant Name (print) David Frank

Signature [Signature]

Representative Name (print) _____

Signature _____

Date 4/4/2022

If applicant is using a

representative for the

request both signatures

are required

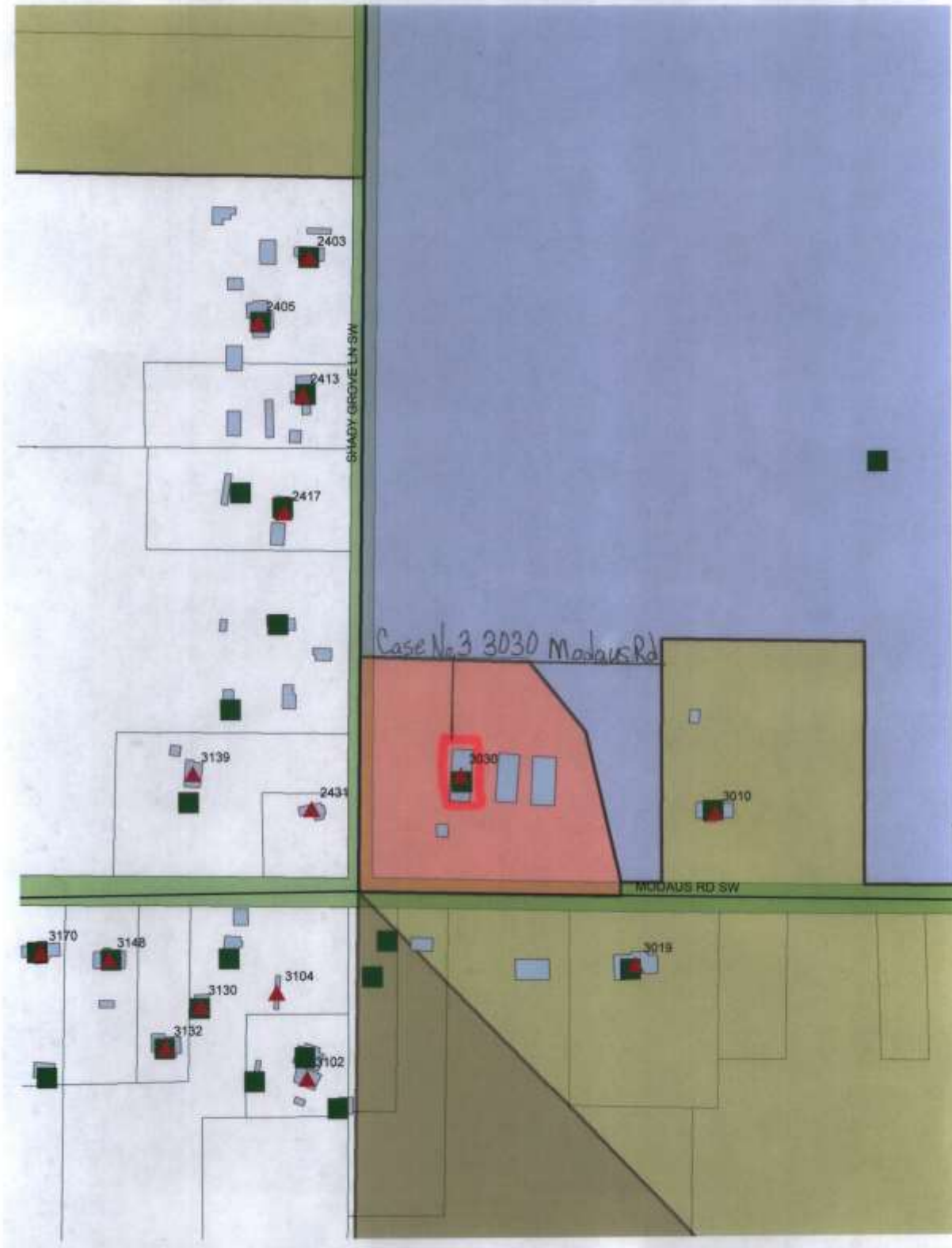
Office Use Received By: _____

Zone B-2

Hearing Date _____

Approved/Disapproved _____

CASE NO. 3 3030 MODAUS RD SW



MAP

(4)

last Tuesday 4/26/22 at 4:00



City Hall, Council Chamber 402 Lee St NE @ 4:00PM

Board of Zoning Adjustment

APPLICANT: Pearlean Jones Drite Jones
MAILING ADDR: 4705 Joe Davis
CITY, STATE, ZIP: Decatur, AL 35601
PHONE: 256 580-5421

PROPERTY OWNER: Pearlean Jones
OWNER ADDR: 4705 Joe Davis
CITY, STATE, ZIP: Decatur, AL 35603
PHONE: 256- 580-5421

ADDRESS FOR APPEAL: Parcel 12-04-20-0-003-004.001
on North of Land 4705 Joe Davis Dr

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)

Use permitted on appeal in one AG-1 District
mobile home park

Applicant Name (print) Pearlean Jones If applicant is using a
Signature P.E. Drite Jones representative for the
Representative Name (print) Drite Jones request both signatures
Signature _____ are required
Date 4/12/22

Office Use Received By: Cindy
Zone AG-1
Hearing Date 4/26/22 4:00 pm
Approved/Disapproved _____

CASE NO. 4 4705 JOE DAVIS DR. SE

5



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Aaron J. Guthrie and Indian Hills Partners, Inc.
MAILING ADDR: PO Box 515
CITY, STATE, ZIP: Decatur, AL 35602
PHONE: (256) 318-3832

PROPERTY OWNER: Aaron J. Guthrie and Indian Hills Partners, Inc.
OWNER ADDR: PO Box 515
CITY, STATE, ZIP: Decatur, AL 35602 PHONE: (256) 318-3832

ADDRESS FOR APPEAL: 3340 Point Mallard Parkway SE

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)

Subject Property is currently zoned B-2. Per Section 25-11 of the City of Decatur
Zoning Code, the owner & applicant is requesting R-4 permitted uses. Intent is to
develop a multi-family project.

Applicant Name (print) Aaron J. Guthrie
Signature Aaron J. Guthrie by J.H. Pate
Representative Name (print) J.H. Pate
Signature [Signature]
Date 4-8-22

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

Office Use Received By: [Signature]
Zone B-2
Hearing Date 4-26-2022
Approved/Disapproved

CASE NO. 5 3340 POINT MALLARD PKWY SE



MAP

(1)



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Triland, LLC
MAILING ADDR: PO Box 1828
CITY, STATE, ZIP: Decatur, AL 35602
PHONE: (256) 227-2000

PROPERTY OWNER: Triland, LLC
OWNER ADDR: Same PO Box 1828
CITY, STATE, ZIP: Decatur, AL 35602 PHONE: 256-227-2000

ADDRESS FOR APPEAL: 1104 Beltline Rd SE

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)

The request is for a reduction of 5 spaces from the amount of parking required for a Restaurant in an M1-A. The restaurant has inside and outside sit-down space and a double drive thru line. Zoning requires 65 spaces, there is room for 46 on the property and 14 in the drive-thru lanes totaling 60, thus a request for a variance of 5 spaces. The owner has 14 spaces available immediately across Brooks Street that can be constructed for employee parking, but code does not allow those to be counted in the Zoning exercise.

Applicant Name (print) B. Lynn Hayton
Signature [Signature]
Representative Name (print) RUGH WEXITT MCANALLY
Signature [Signature]
Date 4/12/22

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

Office Use Received By: Cindy
Zone M-1 A
Hearing Date 4/26/22 4:00 p.m.
Approved/Disapproved

CASE NO. 7 1104 BELTLINE RD SE



MAP