

# BOARD OF ZONING ADJUSTMENT

## AGENDA

**May 2022**

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## **Minutes April 2022**

**MEMBERS PRESENT:** Chair, Delayne Dean, Mr. Steven Thomas, Mr. Brad Townsend  
Rev. George Allen

**SUPERNUMERARIES:** Mr. Larry Wayne

**COPIED TO:** Mr. Collis Stevenson, Mr. Chester Ayers

**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 1<sup>st</sup> floor at City Hall.

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

The minutes from the March 2022 meeting were approved without any changes. Mr. Larry Wayne motioned to approve the minutes. Mr. Brad Townsend seconded the motion. On a voice vote, the motion carried.

### **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.

Mr. Steve Graham presented this case to the Board. Mr. Graham stated his address was PO Box 17, Decatur, AL 35602. Mr. Graham stated he was building houses on North Street and needed a setback variance for 1631 North St. to keep this home in line with the other homes on the street.

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

There were no comments.

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

Mr. Lee Terry, Planning Department, recommended approval.

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

## **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.

Mr. Witty Allen, attorney for and husband of Rebecca Allen who is single owner of Pine Island Partners, LLC. Mr. Allen stated his address was 4407 Willowbend Rd SE, Decatur, Al. 35603.

Mr. Allen stated Mrs. Allen has a rental agreement with an organization named The Reprieve, LLC whose manager is Jeremy Rath Fairbanks.

Mr. Allen stated he felt he could answer most of the Boards questions although Mr. Fairbanks was present.

Mr. Allen stated he felt he could answer most of the questions the Board may have because he has formed the LLC for Mr. Fairbanks and was familiar with Mr. Fairbanks business model.

Mr. Allen stated Mr. Fairbanks was in the process of obtaining an approval for a separate organization a 501 (c ) (3) At the Foot of The Cross organization however, that process has not been completed.

Mr. Allen stated the process for the 501 (c ) (3) organization had started when the premises was first occupied by Mr. Fairbanks.

Mr. Allen stated he and Mrs. Allen were the landlords.

Mr. Allen stated the land was bought for the purpose of what it is presently being used for.

Mr. Allen stated he and his wife feels there could not be any better use for the property.

Mr. Allen stated the property was once a Juvenile Detention Center and had several baths and toilets out of materials that are sturdy and designed by the State and built by the State to be safe.

Mr. Allen stated the building was old.

Mr. Allen stated the building was built mostly out of concrete blocks on a large tract of land.

Mr. Allen stated the structure sits on 2.1 Acres with 2,336 square feet of residential living space.

Mr. Allen stated the building is located in the City of Decatur city limits.

Mr. Allen stated the property was close to a Dollar General where the residents could walk to get food, snacks, or personal toiletries if needed.

Mr. Allen stated the property is close to recreational facilities across the railroad tracks and has space to expand or add recreational facilities, if needed.

Mr. Allen stated the property was in close proximity to medical facilities, close to the mental health counseling center.

Mr. Allen stated the property sits in an area that is zoned institutional and they believe what was being operated there was institutional.

Mr. Allen stated they would categorize the property as a group home.

Mr. Allen stated looking at the City's categories the property could be categorized as an academy or as a private educational institution because of what they do and how it is done.

Mr. Allen felt the property could be run as a group home in a R-4 Zoning District.

Mr. Allen stated group homes are being run all over Decatur.

Mr. Allen stated he had a difference of opinion with Community Development as to what the zoning is and what it should be zoned.

Mr. Allen stated the property was not a boarding house or a rooming house.

Mr. Allen gave the description of a Boarding House is where meals have to be served for a price.

Mr. Allen stated everyone at the property is on their own and they can pool their resources and cook together if that is what they want to do.

Mr. Allen stated that the institution does not serve meals.

Mr. Allen gave the description of a rooming house.

A rooming house has a limit of nine guest rooms with a duration of less than 30 days.

Mr. Allen stated the only way someone would be there less than 30 days would be if they got kicked out of the program for misbehaving. Other than that they are there for a six or nine month program to recover.

Mr. Allen stated the program is privately funded.

Mr. Allen stated there is not any government money.

Mr. Allen stated everyone pays their own way.

If they can not pay it was up to the discretion of the manager whether to help the residents find jobs.

Mr. Allen stated one price is paid by the residents, otherwise the residents could do what they wanted to with their money.

Mr. Allen gave the description of the program that was being run at the location when the house was closed down by the Community Development office.

Mr. Allen stated it is demanded that the residents go to bible study.

Mr. Allen stated it is demanded they participate in a church.

Mr. Allen stated it is demanded they participate in a recovery program through AA or NA.

Mr. Allen stated that the courts have a program started by Judge Thompson that has gained statewide recognition and perhaps national recognition.

Mr. Allen stated it was discovered that the jails were not doing a good job of fixing what was broken with drug addicts or alcoholics even though a lot of money was being spent keeping people in jail that needed to get on with a productive life and learn responsibility for themselves, their family and the community.

Mr. Allen described the program, which was facilitated by the State of Alabama that allows inmates to be released from jail and allowed to enroll in a program.

Mr. Allen stated he believed the first program was out near Somerville, Al. and he used to rent to the facility and there was a facility near Falkville, Al and one here in Decatur.

Mr. Allen spoke about the residents which are not all sent by the courts. Some of the residents who check themselves in go through the program becomes productive members of the community.

Mr. Allen stated he was not trying to misrepresent anything to the Board.

Mr. Allen stated he thinks the property is more like a private academy.

Mr. Allen stated the residents get a certificate of completion when the course is completed and it is shown to the judge.

Mr. Allen stated the Board can call it a use permitted under R4 and call it a group home because there are group homes all over Decatur that are in restricted residential communities and operate very well.

Mr. Allen stated he would like to answer any questions the Board may have on this subject.

Chair Dean, asked for questions from the Board.

Mr. Brad Townsend asked Mr. Allen how long they had been renting to The Reprieve.  
Mr. Brad Townsend stated he understood that the water and electricity had been cut-off and the occupants were relocated.

Mr. Allen stated possession of the house was taken in the late summer months to get the house ready to occupy.

Mr. Allen stated if possession was considered when rent was paid it would be late August or September.

Mr. Larry Way confirmed that Mr. Allen believed this house should be considered a private academy for the services that are provided such as training, an educational process.

Mr. Larry Way asked Mr. Bob Sims, Building Department, where a definition for a private academy could be found under the Institutional District or I-D Zoning District in the Zoning Ordinance and if he could add any additional information.

Mr. Bob Sims, Building Department, stated he could not other than what is stated in a dictionary.

Mr. Brad Townsend asked Mr. Allen if the courses that are offered are mandated through the court system or what he, or his renter, found to be the appropriate length of time.

Mr. Allen stated the operator cannot make anyone stay any length of time, only the court can mandate the length of time someone can stay there.

Mr. Allen stated that the court can say you must complete this course or go to jail but cannot make them stay.

Mr. Steven Thomas asked to Mr. Allen to explain why the house was shut down.

Mr. Allen. stated someone down there got drugs and overdosed and died which resulted in the police being contacted and Community Development got involved and condemned the property.

Mr. Allen stated there were new people in the house not keeping it clean and there had been smoke alarms stolen out of the house.

Mr. Allen stated there were enough problems to condemn the property.

Mr. Allen stated the property is being worked on to meet all of the requirements to reopen the house.

Mr. Allen stated Community Development suggested this property come before the Board to make sure it meets the proper zoning.

Mr. Steven Thomas asked Mr. Allen if the organization, At the Foot of the Cross, would now be the managerial group for this property and if the new manager would over see this property.

Mr. Allen stated that the tenant will still be The Reprieve. At the Foot of the Cross is a charitable organization and has a board of directors and gives advice on the mental, spiritual wellbeing of the people and helps with running the programs.

Mr. Steven Thomas asked Mr. Allen how would it be prevented that this property is not condemned again.

Mr. Allen stated the lease agreement will be stricter and will be monitored on a regular basis and if he sees something he does not like there will be a change in management and in tenants.

Mr. Steven Thomas, asked for verification on the program and if the tenants receive a diploma.

Mr. Allen responded that a court officer reports to the operator at the house to let them know how they are doing.

Mr. Allen stated there is not a bureaucratic check list that has to be met.

Mr. Steven Thomas asked Mr. Allen what the building was used for before Pine Island Partners bought the building.

Mr. Allen stated the building was purchased from Morgan County March 2021 and this was the first time this program had been in this building.

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

Each member from the public had 3 minutes to present the case.

Ms. Dawn Dozier, 4208 Decatur St. Ms. Dozier stated she lives across the street from 4205 Decatur St.

Ms. Dozier stated she has lived there since she was 6 years old.

Ms. Dozier stated ABI, Morgan County Drug Task Force and the police are on Decatur St. often.

Ms. Dozier stated she was glad this service is being provided but she does not feel like it needs to be in a neighborhood

Ms. Dozier stated there is a facility behind where the Lurleen B. Wallace Center used to be located but it has never been in a neighborhood.

Ms. Dozier stated she has four teenage children at home and three of them are girls.

Ms. Dozier showed sex offender mailers, which she receives in the mail and states by the time she receives the notice the men are already gone.

Ms. Dozier states that the men are walking on the street at all hours of the day and night. Ms. Dozier states she understands they need to get to the store but they are buying alcohol drinking behind the fence and littering the neighborhood.



Ms. Dozier states between the overdoses and the CSI vehicles she does not feel like this type of facility needs to be in a neighborhood.

Ms. Dozier gave several examples of other families with young children that live in the neighborhood as well.

Ms. Dozier explained she does not have issues with anyone but just does not feel this is appropriate for any neighborhood.

Ms. Dozier stated the value of the homes are going down and property has to be watched constantly.

Ms. Dozier's three minutes expired.

Pastor Charles Killough 4210 Decatur St stated that nothing that they have seen over there has been Christ like.

Pastor Killough stated he does not judge anyone but, they see men falling down with liquor bottles in their hands, staring at Ms. Dozier's girls standing in the garage or walking by.

Pastor Killough states there is no control there and they do not feel safe in their own neighborhood.

Pastor Killough asked the Board to think about if something were to happen to a child or somebody gets drunk and kills somebody it will be on their heads.

Pastor Killough's three minutes expired.

Mr. Stacy Dozier 4208 Decatur St stated he moved to that neighborhood in 1995.

Mr. Dozier stated that the ABI was located on the property at that time and the police were around all the time and they felt safe in the neighborhood.

Mr. Dozier stated after the ABI moved out it was not long until the Morgan County Drug Task Force moved into the location.

Mr. Dozier stated what was being portrayed at the meeting was not what was going on at the property.

Mr. Dozier stated they just do not feel safe in their own neighborhood

Mr. Dozier's three minutes expired.

Mr. Jeremy Rath Fairbanks 8205 County Road 58 Moulton AL operates The Reprieve.

Mr. Fairbanks states he has been in the house since it was condemned.

Mr. Fairbanks turned to the audience and said he was not aware anyone was uncomfortable.

Mr. Fairbanks stated no one had ever said anything to him.

Mr. Fairbanks stated he had spoken with the employees at the Dollar General and asked them to let him know if anyone from his house was buying beer.

Mr. Fairbanks stated he had thrown numerous people out for buying beer.

Mr. Fairbanks stated once they are back on the property the residents will stay on the property and if the residents need to go to the store or to get something to eat they will have to have someone go with them. The same with going to the grocery store or fast food restaurant.

Mr. Fairbanks' three minutes expired.

Mr. Steve Stephens 4211 Decatur St. lives next door to The Reprieve.

Mr. Stephens states he has an advantage that the neighbors do not have since he is next door.

Mr. Stephens works from his house so he is home most days and states he see many things the neighbors do not see.

Mr. Stephens stated it was only a two minute walk to the store and the homeless maybe drinking behind the store however, it has been constant since The Reprieve has been open.

Mr. Stephens states there are different faces in and out of there all the time and no evidence of anyone staying 3 to 6 months as expressed earlier.

Mr. Stephens stated drinking goes on while one stands lookout and others drink.

Mr. Stephens stated he has seen men stumble out of the property holding liquor bottles and fall down in the street. He has seen them come out of the woods, from behind his house, holding liquor bottles. He has seen them urinating outside.

Mr. Stephens stated he has seen a man early in the morning standing in the street staring at the Dozier's house telling him he is not going to hurt him then turns around and walks back into the building.

Mr. Stephens states that is unnerving.

Mr. Stephen's three minutes expired.

Ms. Barbra Holloway 1897 Hwy 31 NW Hartselle, AL.

Ms. Holloway stated she is the mother of Dawn Dozier and Blake and frequents her daughter's home often.

Ms. Holloway stated that her sons in-law live there and her grandchildren go over frequently to stay the night, She did not even think anyone was there controlling the place or controlling the people.

Ms. Holloway stated she, too, has seen people walking to the store and cars in and out of there all of the time.

Ms. Holloway believes someone needs to be there at all times controlling what is going on at the property.

Ms. Holloway thinks if it property can be cleaned up and controlled then it would be ok.

Ms. Holloway's three minutes expired.

Mr. Blake Holloway 7363 Danville Rd., Hartselle AL and his previous address was 4212 Decatur St. and also owned 4214 Decatur St. SE

Mr. Holloway stated that until The Reprieve moved in he and his family felt safe in the neighborhood, and one of the reasons they started looking for another place to live. After The Reprieve moved in, they felt unsafe and it was.

Mr. Holloway gave a history of the neighborhood and how much the neighborhood has changed since The Reprieve has moved into 4205 Decatur St.

Mr. Holloway stated his opinion on the lack of management that was at The Reprieve and felt management would not change.

Mr. Robert Smith, 3707 Neches Ct. SW, Mr. Smith stated he has been a resident of Decatur all of his life.

Mr. Smith stated he was a member of Central Baptist Church.

Mr. Smith stated in December the pastor of Central Baptist Church asked if he would teach a Sunday school class for a group of men that was in a half- way house near Flint. Mr. Smith stated he agreed to teach the Sunday school class.

Mr. Smith stated Jeremy Fairbanks requires the men to go to Sunday school class.

Mr. Smith stated he made unannounced visits to The Reprieve and that only one time did he see someone drinking

Mr. Smith stated he was at The Reprieve when the eviction notice was served and everyone there was devastated wondering where they would go.

Mr. Smith stated one of the men had beer that night however, that was the only time he had seen beer on the premises.

Mr. Smith's 3 minutes expired.

Mr. Darrell Yaden, 4212 Decatur St, stated he has lived in the neighborhood for about a year and the neighborhood has always been very nice and he did not realize there was a half -way house in the neighborhood until about three or four months in of living there.

Mr. Yaden stated he had not had any issues out of anyone he keeps to himself.

Mr. Yaden stated one concern is over the last six months there had been an influx of trash and Dollar General bags through all of the yards.

Mr. Yaden stated he would concede to say that generally would be coming from the residents of The Reprieve, even though he does not actually see them litter themselves and feels that is a bad look for the neighborhood as a whole.

Mr. Yaden stated a second concern is that the men walk through some yards sometimes.

Mr. Yaden stated the building is in shambles and removing fire alarms should not be happening and if there were a fire, it could catch the woods on fire and maybe Steve Stephens home.

Mr. Yaden stated that people in a rehabilitation program should not be held accountable by just one person.

Mr. Yarden stated he and the neighbors do not like people walking through their yards, they do not like the garbage in the neighborhood.

Mr. Yarden stated he has not seen any evidence that this program is working for any type of rehabilitation and would prefer it be located elsewhere.

Chair Dean asked for any further questions from the Board. It was asked from the audience if someone who had already spoken could get up and speak again.

Chair Dean denied the request.

Mr. Bob Sims, Building Department, referred his comments to Tom Polk, Building Department Development Services Manager. Mr. Polk had no comment.

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

Mr. Larry Waye motioned to approve this case as submitted. Mr. Steven Thomas seconded the motion. Four voted against the motion and one voted in favor of the motion. Thus this case was not approved.

### **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

Mr. David Frank presented this case to the Board. Mr. Frank stated his name is David Frank and his address was 1254 Excalibur Dr. SW. Mr. Frank stated he was requesting to open a coffee roaster at the site located at 3030 Modaus Rd SW.

Mr. Frank stated this location is currently zoned for a restaurant and he is requesting an appeal to sell coffee beans as a retail establishment and hoping to open a coffee shop as well.

Mr. Frank stated he is working with the health department to get the certification needed to be a restaurant.

Mr. Frank stated he is currently working under the Cottage Food Law, which allows him to sell the coffee beans roasted at his home. Mr. Frank stated he is limited to sales only within the State of Alabama.

Mr. Frank stated he is looking to expand his business and the only way to do this is to operate within a commercial kitchen setting. This is why he is looking to operate as a coffee roaster as well as a coffee shop.

Mr. Larry Waye reiterated Mr. Frank business platform. Mr. Franks agreed.

Mr. Steven Thomas asked Mr. Frank to verify that he is renting the property.

Mr. Frank stated that was correct.

There was discussion among Board members if a correction should be made on the application to reflect he was not the property owner. It was determined the application was correct.

Mr. Steven Thomas asked if Mr. Holland was in agreement having his property altered for this purpose.

Mr. Bob Sims, Building Department, answered the question stating Mr. Holland was aware and, in agreement for the properties alteration.

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

#### **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.

Mr. Drite Jones presented this case to the Board. Mr. Jones stated his name was Drite Jones and his address was 4705 Joe Davis Dr. SE. Mr. Jones stated he was asking for approval to put a mobile home on the lot next door.

Chair Dean asked for questions from the Board.

Mr. Larry Waye asked Mr. Jones if he intended to rent additional spaces on the lot, Mr. Jones stated he did not.

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

Ms. Pearlean Jones and lives at 4705 Joe David Dr. Ms. Jones stated she owns the property where the trailer will sit.

Chair Dean asked Ms. Jones if she wanted to put more than one trailer on the lot, Ms. Jones stated she did not.

Chair Dean asked for comments from the Building Department.

Mr. Bob Sims, Building Department, stated in the past when this type of request was presented, and they were not in the R-MH Zoning District, the Building Department required the standard of the R-MH District be met.

At this time, the Building Department is requiring from Section 25-10.4 (1) (h). Each manufactured home shall be blocked and anchored in compliance with applicable law, rule or regulation.

Tom Polk, Building Department, interjected stating to the Jones' that they would be required to install a masonry skirt.

Lee Terry, Planning Department concurred.

Mr. Steven Thomas asked why other mobile home parks in the city with trailers did not have solid masonry foundations around them.

An explanation was given to Mr. Thomas that those trailers pre-dated the zoning ordinance and did not have to meet the new requirements.

An explanation was given to Mr. Thomas that the city does not want mobile homes located in the City of Decatur.

If there are going to be mobile homes allowed in the City of Decatur then those mobile homes will be held at a higher standard, just as this one is being required to be held at a higher standard.

Mrs. Ruth Priest, Legal Department, explained to Mr. Thomas that this was the standard they want to be upheld however, as a Board, they have the discretion to approve the request or to deny the request.

There were no more comments and this case was presented to the Board for its ruling.

Rev. George Allen motioned to approve this case with the condition that the R-MH requirement is met. Mr. Steven Thomas seconded the motion. On a roll-call vote, the motion carried.

## **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.

Mr. Larry Waye recused himself from this case, which meant a unanimous decision is needed for the case to pass., Mr. Beasley understood and made the decision to move forward.

Mr. David Beasley, is a representative for Breland Companies, and his address is 2101 Clinton Av W suite 201 Huntsville, Al. 35805.

Mr. Beasley brought site plans showing what is planned for the property.

Mr. Beasley said 20 acres was being considered for a multi-family site and a 1.5-acre parcel on Point Mallard Parkway was being considered for a restaurant or other retail type of use.

Mr. Beasley gave a brief background of the Breland Companies.

Mr. Beasley shared drawings of some of the building activities the Breland Company has going on at this time in Madison County, and stated even though a definite decision has not been made about the design for the site on Point Mallard Parkway, he wanted to share the concept being thought about.

Chair Dean verified with the Building Department that a B2 zoning district with R4 uses allow for a restaurant.

Mr. Bob Sims, Building Department, explained that the only portion of the property that would be zoned R4 would be where the multi-family units would be built, the rest of the property would still be zoned B2.

Mr. Steven Thomas asked if there were any townhomes built in the multi uses area would they still be in the B2 zoning district.

Mr. Bob Sims, Building Department, replied that there are not going to be any townhomes built in this area, strictly apartments.

Mr. Beasley also stated that the apartments would only be located on one parcel and the lot would not be sub-divided and no townhomes would be built.

Mr. Beasley explained that the units would be six or eight units with garages underneath the units.

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

Ms. Andrea Hoffmeier Wilson, 1306 Carridale St SW, came forward.

Ms. Wilson stated she represents a newly formed organization called One Duck, One Decatur United Citizens Kaizen.

Ms. Wilson stated the organization is a grassroots continual improvement coalition for accountability of the city's comprehensive plan implementation.

Ms. Wilson stated the location looks great, this R4 development. In addition to the apartments, a restaurant or other retail development could go in.

Ms. Wilson asked the developer while looking at the aerial view if there was a massive grove of trees and asked what the plans for preserving the mature trees are.

Ms. Wilson asked what the replacement plans are for streetscaping.

Ms. Wilson stated the developer sounds responsible and feels they have a plan in place.

Ms. Wilson asked the City what plans are in place to ensure there is multimodal access.

Ms. Wilson stated that the City as a whole has been falling short on that point.

Ms. Wilson stated sidewalks are a requirement when there is a new development going in. And, they need to be mindful that the sidewalks are ADA compliant.

Ms. Wilson stated it looks like this development may need wide sidewalks and be bicycle friendly.

Mr. Beasley answered Ms. Wilson's question on the landscaping.



Mr. Beasley stated a landscape buffer would be at the back of the property and that they would try to preserve as many of the trees as possible while still putting the plan in place to find the right balance.

Mr. Beasley stated they work hard to put a great landscape package together to draw people to the community.

Mr. Beasley stated landscaping is a very important component of their projects.

Mr. Lee Terry, Planning Department, spoke about the Breland Company, and that they would have to meet the site plan requirements, which would include landscape and lighting.

Mr. Lee Terry, Planning Department, stated that any of the trees retained are counted toward the landscaping requirements that are in the zoning ordinance, and the planning department would work with the developer on that once it comes to the planning department.

Mr. Lee Terry, Planning Department, stated that the sidewalks would be included internally for the neighborhood as being part of the site plan process in a submission to the Planning Commission.

Chair, Dean asked for further comments from the public.

There were no comments.

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

## **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.

Mr. Blake McAnnally presented this case to the Board. Mr. McAnnally is with Pugh, Wright, McAnnally located at 310 8<sup>th</sup> Av NE representing Triland Properties.

Mr. McAnnally stated this request is for a reduction of five parking spaces that are required for a potential restaurant that would not be put on the property between where the Olive Garden is now and the Verizon Store on the Beltline.

This is a M-1A and requires that the restaurant 75 square feet for space so 65 spaces required the restaurant that is being considered here has indoor and outdoor patio seating.

Mr. McAnnally states the restaurant has a unique feature in that it has a double drive-thru lane.

Mr. McAnnally stated that the ordinance allows that the drive thru spaces also count in the total number of parking spaces.

Mr. McAnally stated 65 parking spaces are required. There is room for 46 parking spaces on the property, 14 in the drive through lanes, totaling 60 parking spaces, making it five parking spaces short.

Mr. McAnally stated that the property owner also owns the property adjacent and across Brooks St. and there is a plan where 15 additional spaces can be placed over there .Because of it being off site it cannot be included in the count in accordance to the city ordinance. These spaces can be dedicated to employee parking, putting them over about 10 spaces over what is actually needed.

Chair, Dean asked for questions from the Board.

Mr. McAnally explained to Mr. Steven Thomas what the double drive-thru lane what look like, Mr. Thomas understood.

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

Mr. Lee Terry, Planning Department, recommended approval.

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

Meeting adjourned 5:32 p.m.

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Delayne Dean, Chair

## **AGENDA MAY 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, May 31, 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 may be submitted via email at [bozaquestions@decatur-al.gov](mailto:bozaquestions@decatur-al.gov).

**New Business:** Appeal of Pine Island Partners, LLC from the Decision of the Decatur Board of Zoning and Adjustments on April 26, 2022.

### **CASE NO. 1**

Application and appeal of Justin Roberts Homes, LLC from Section 25-10.5 (2) (f) for a side yard setback variance from a zero foot and ten feet to five feet and five feet in order to align a new construction home with surrounding existing homes. This consideration shall be contingent upon the property being approved for rezoning to R-5.0 Single Family Zero Lot Line Patio Home Residential District at the Planning Commission meeting next month June 2022

### **CASE NO. 2**

Application and appeal of Justin Roberts Homes, LLC from Section 25-10.5 (2) (f) for a side yard setback variance from a zero foot and ten feet to five feet and five feet in order to align a new construction home with surrounding existing homes. This consideration shall be contingent upon the property being approved for rezoning to R-5.0 Single Family Zero Lot Line Patio Home Residential District at the Planning Commission meeting next month June 2022

### **CASE NO. 3**

Application and appeal of Justin Roberts Homes, LLC from Section 25-10.5 (2) (f) for a side yard setback variance from a zero foot and ten feet to five feet and five feet in order to align a new construction home with surrounding existing homes. This consideration shall be contingent upon the property being approved for rezoning to R-5.0 Single Family Zero Lot Line Patio Home Residential District at the Planning Commission meeting next month June 2022

### **CASE NO. 4**

Application and appeal of Bryce Cliché, Ollies Bargain Outlet, from Section 25-77 (e ) (2) and defined in Article VI, as amended and adopted, of the Zoning Ordinance for a 80 square foot area variance in order to install a sign located at 1682 Beltline Rd SW, property is located in a M1-A Expressway Commercial District.

**CASE NO. 5**

Application and appeal of Amber and Kevin Stuart for a 2 foot setback variance as allowed in Section 25-10.8 (2) ( c ) and defined in Article VI of the Zoning Ordinance in order to add a roof the existing front patio, located at 2116 Stratford Place SE, property is located in a R-1 Single Family Residential Zoning District.



WZ CHARMING SCALE

## Board of Zoning Adjustment

APPLICANT: Justin Roberts Homes, LLC

MAILING ADDR: 1822 Brookmeade Road SE

CITY STATE ZIP: Decatur AL 35601

PHONE: 256-337-0191

PROPERTY OWNER: Justin Roberts Homes, LLC

OWNER ADDR: 1822 Brookmeade Road SE

CITY STATE ZIP: Decatur AL 35601

OWNER PHONE: 256-337-0191

ADDRESS FOR APPEAL: 2827 Hempstead Ave

☐ 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 change from zero on one side and 10 feet on other side to 5 feet on each side. This will match the adjacent lots

Applicant Name(print) Justin Roberts

Signature [Signature]

Representative Name(print) Richard Humphrey

Signature [Signature]

Date \_\_\_\_\_

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

Office Use  
Received By \_\_\_\_\_

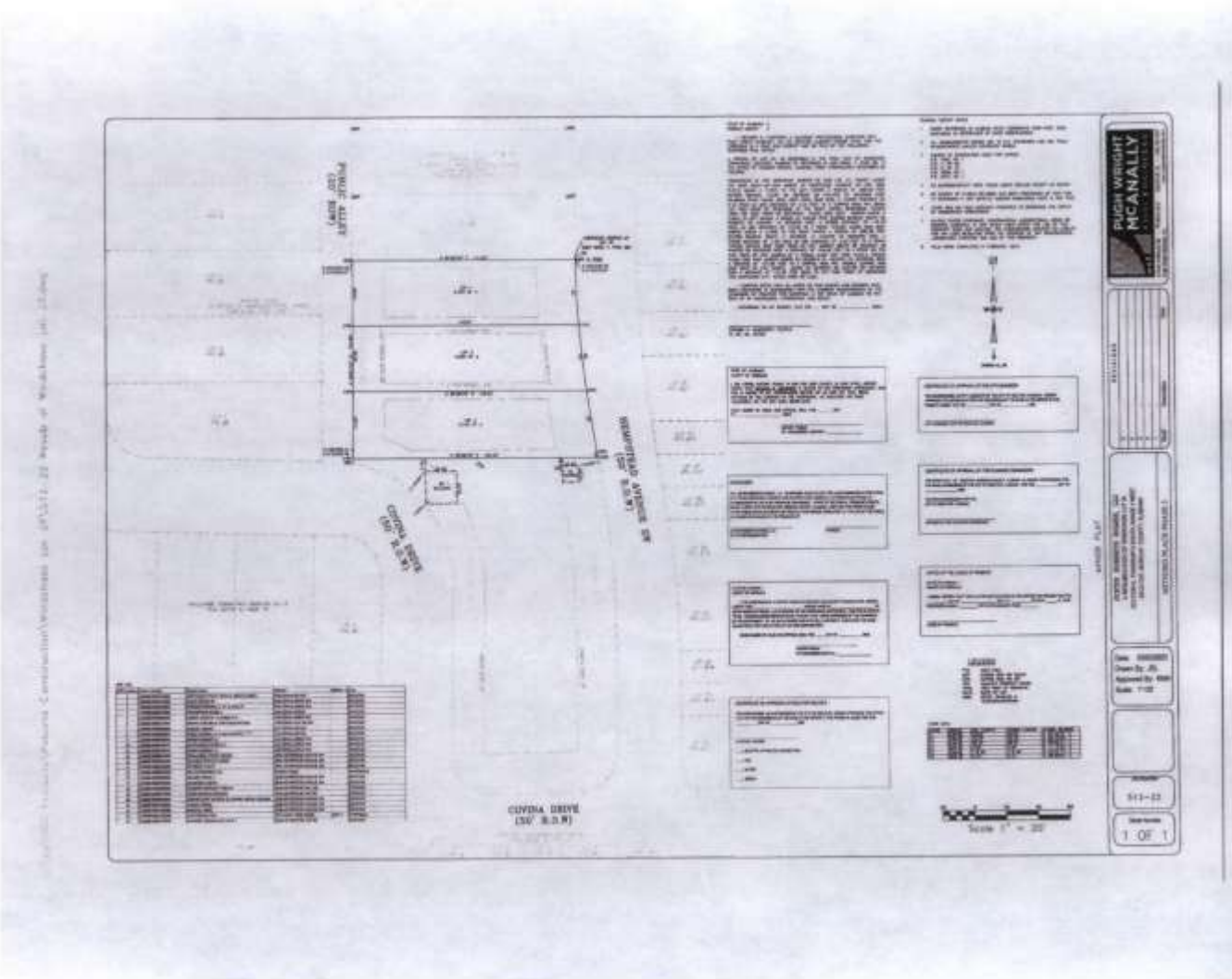
Zone \_\_\_\_\_

Hearing Date \_\_\_\_\_

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 10<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 1 LOT# 1 2827 HEMPSTEAD AV SW



SURVEY





MAP

(4)



www.CHARMING SCALE

### Board of Zoning Adjustment

APPLICANT: Justin Roberts Homes, LLC  
MAILING ADDR: 1822 Brookmeade Road SE  
CITY STATE ZIP: Decatur AL 35601  
PHONE: 256-337-0191

PROPERTY OWNER: Justin Roberts Homes, LLC  
OWNER ADDR: 1822 Brookmeade Road SE  
CITY STATE ZIP: Decatur AL 35601  
OWNER PHONE: 256-337-0191

ADDRESS FOR APPEAL: 2829 Hempstead Ave

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.)

Request change from zero on one side and 10 feet on other side to 5 feet on each side. This will match the adjacent lots

Applicant Name(print) Justin Roberts  
Signature [Signature]  
Representative Name(print) Richard Humphrey  
Signature [Signature]  
Date \_\_\_\_\_

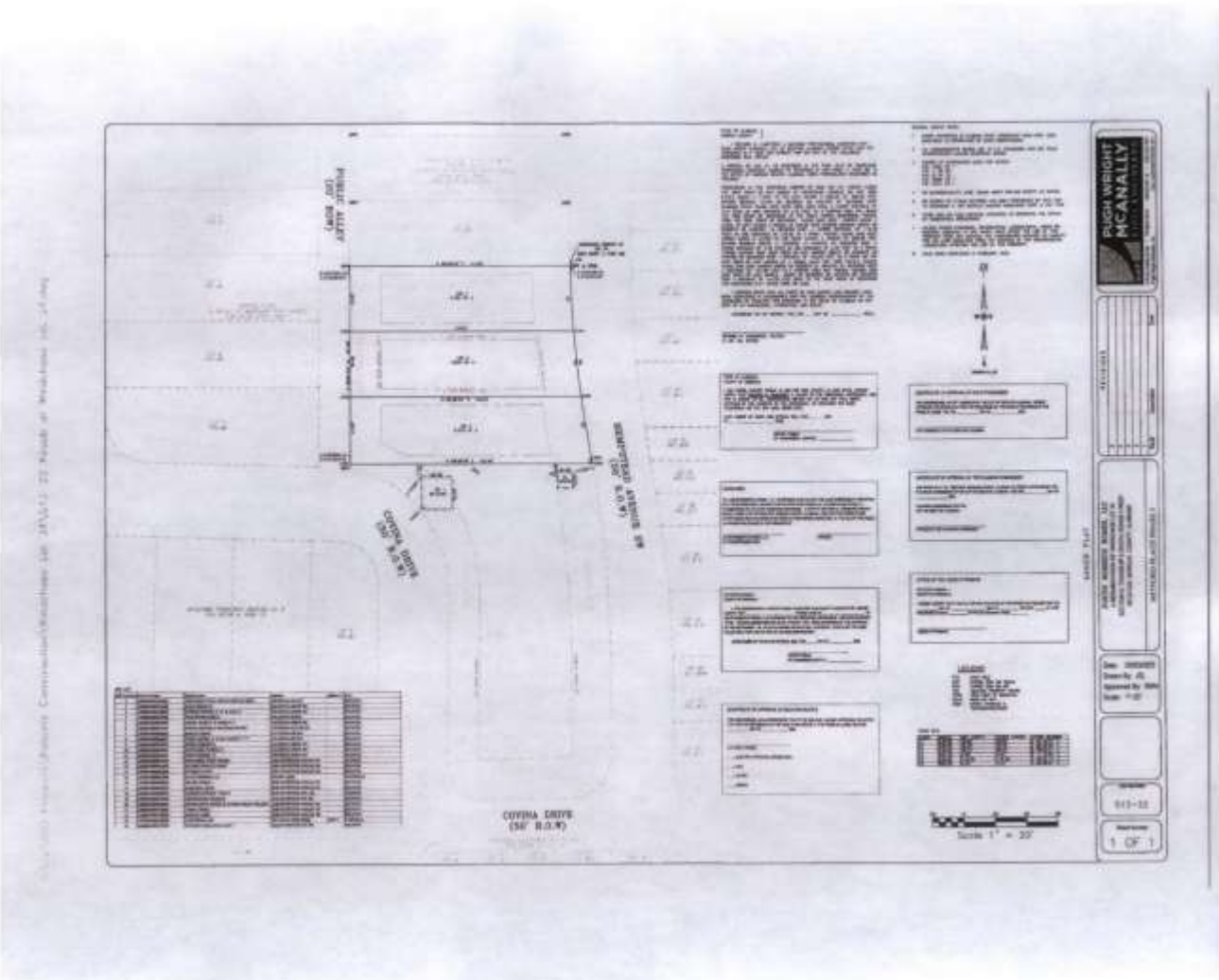
If applicant is using a representative for the request both signatures are required.

Office Use  
Received By \_\_\_\_\_  
Zone \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
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 10<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 2 LOT #2 2829 HEMPSTEAD AV SW





SURVEY



**SURVEY**

5



of a CHARMING SCALE

## Board of Zoning Adjustment

APPLICANT: Justin Roberts Homes, LLC

MAILING ADDR: 1822 Brookmeade Road SE

CITY STATE ZIP: Decatur AL 35601

PHONE: 256-337-0191

PROPERTY OWNER: Justin Roberts Homes, LLC

OWNER ADDR: 1822 Brookmeade Road SE

CITY STATE ZIP: Decatur AL 35601

OWNER PHONE: 256-337-0191

### ADDRESS FOR APPEAL:

2831 Hempstead Ave

- NATURE OF APPEAL:**
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> HOME OCCUPATION         | <input checked="" type="checkbox"/> SETBACK VARIANCE       | <input type="checkbox"/> SIGN VARIANCE                   |
| <input type="checkbox"/> USE PERMITTED ON APPEAL | <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.)

Request change from zero on one side and 10 feet on other side to 5 feet on each side. This will match the adjacent lots. Also request 5-ft setback variance on south side adjacent to R-6 zoning (clubhouse and pool lot)

Applicant Name(print) Justin Roberts

Signature [Signature]

Representative Name(print) Richard Humphrey

Signature [Signature]

Date \_\_\_\_\_

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

Office Use  
Received By \_\_\_\_\_

Zone \_\_\_\_\_

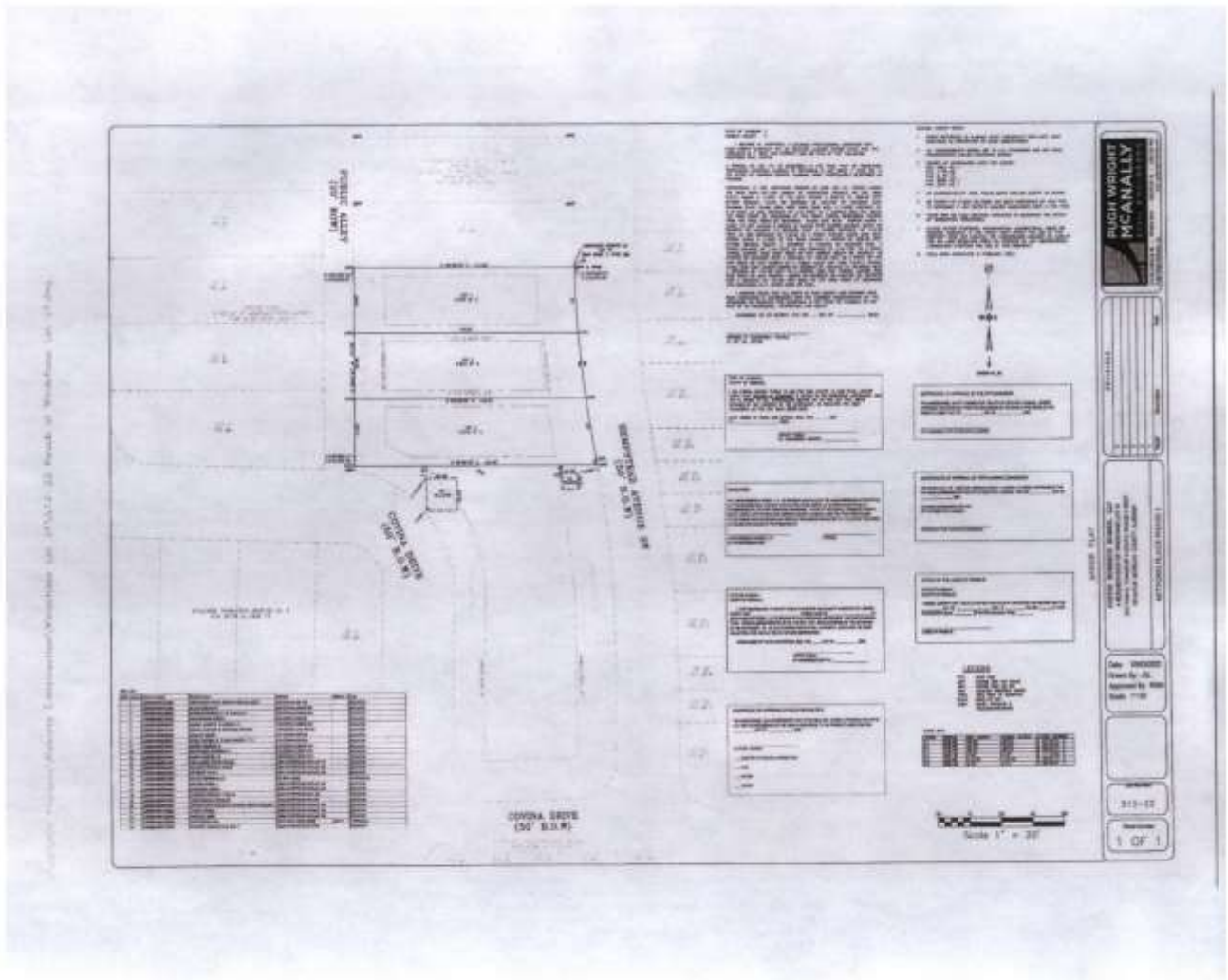
Hearing Date \_\_\_\_\_

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 10<sup>th</sup> of the month to be heard the last Tuesday of the month.

CASE NO. 3 LOT# 3 2831 HEMPSTEAD AV SW





SURVEY



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

Board of Zoning Adjustment

APPLICANT: OLLIES BARGAIN OUTLET

MAILING ADDR: 6295 ALLENTOWN BLVD SUITE 1

CITY, STATE, ZIP: HARRISBURG PA 17112

PHONE: 717-657-2300

PROPERTY OWNER: DAVID RUBIN

OWNER ADDR: 3001 W. BIG BEAVER RD SUITE 324

CITY, STATE, ZIP: TROY, MI 48064 PHONE: 248-822-5100

ADDRESS FOR APPEAL: 1682 Beltline Rd 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)

We request that allowed building signage be increased from 170 sqft to 250 sqft. We are concerned that because of the limited visibility & distance from the road the store will not be seen. Distance from Longview Dr. & Beltline Road is approximately 587'.

Applicant Name (print) Bryce Cliche

Signature Bryce Cliche

Representative Name (print) Matthew Stancliff

Signature Matthew Stancliff

Date 4/28/2022

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

Office Use Received By: \_\_\_\_\_

Zone \_\_\_\_\_

Hearing Date \_\_\_\_\_

Approved/Disapproved \_\_\_\_\_

CASE NO. 4 1682 BELTLINE RD SW



Limited visibility due to tenants position near back corner of shopping center.

Visibility from Southeast driving direction on Beltline Rd. is very limited due to position of store.

Visibility from Northwest driving direction from Beltline Rd. is somewhat limited due to outlying developed parcels.

Distance from intersection of Longview Dr. SW. & Beltline Rd. to storefront is approximately 587 Feet.

Other major tenants in center are positioned for more favorable viewing from roads.

## **HARDSHIPS**





May 31<sup>st</sup> @ 4:00pm \$52.00 App Fee



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

## Board of Zoning Adjustment

APPLICANT: Amber & Kevin Stuart  
MAILING ADDR: 2116 Stratford Place  
CITY, STATE, ZIP: Decatur, AL 35601  
PHONE: 256-466-5022

PROPERTY OWNER: Amber & Kevin Stuart  
OWNER ADDR: 2116 Stratford Place  
CITY, STATE, ZIP: Decatur, AL 35601  
PHONE: 256-466-5022

ADDRESS FOR APPEAL: 2116 Stratford Place 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)

We are asking for a variance to add a roof my ~~exis~~ existing front patio. We need two additional feet. Please see attached surveys.

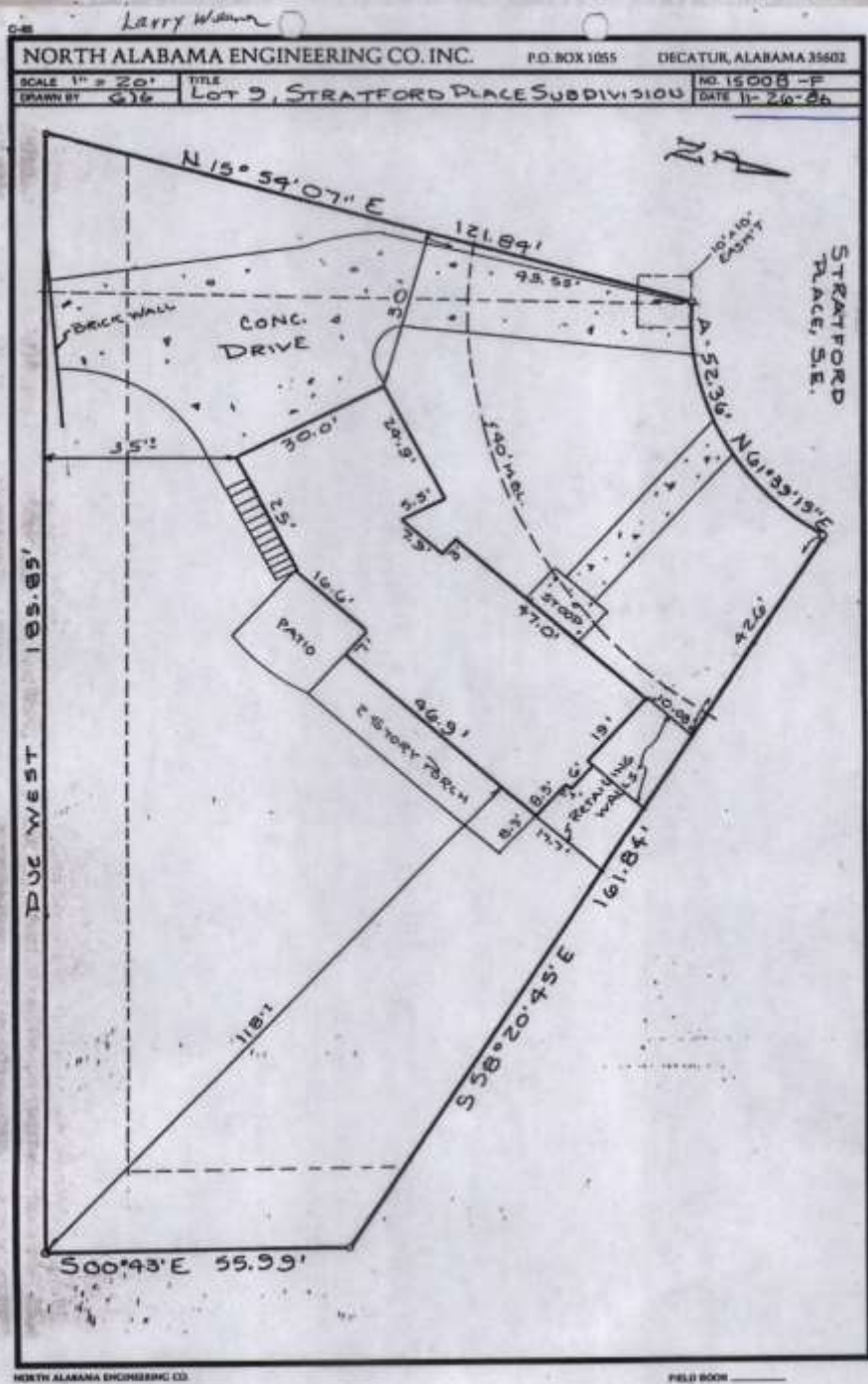
Applicant Name (print) Amber Stuart  
Signature (Amber Stuart)  
Representative Name (print) \_\_\_\_\_  
Signature \_\_\_\_\_  
Date 4/21/22

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

Office Use Received By: \_\_\_\_\_  
Zone \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Approved/Disapproved \_\_\_\_\_

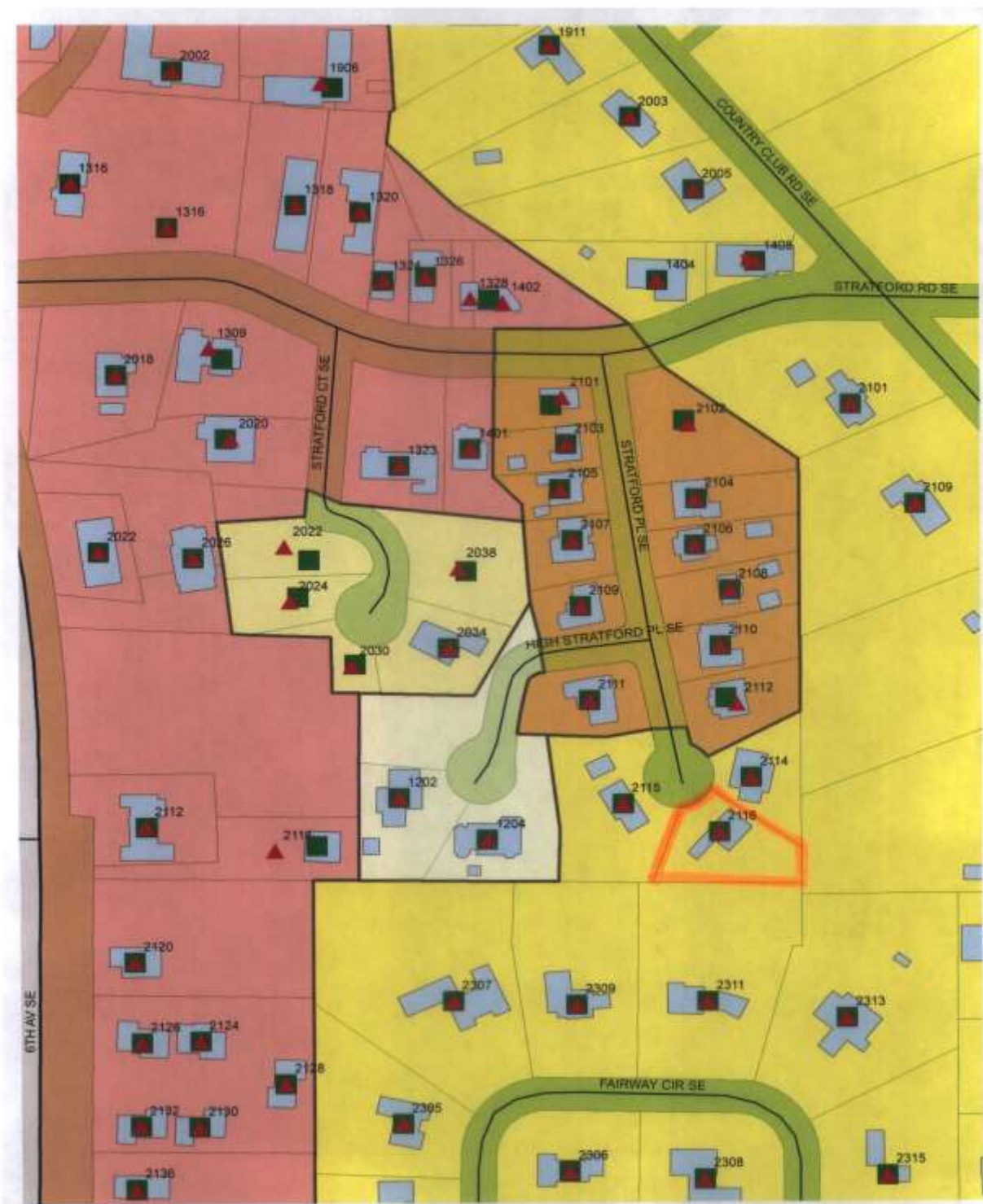
CASE NO. 5 2116 STRATFORD PL SE





SURVEY





MAP