

# BOARD OF ZONING ADJUSTMENT

## AGENDA

**June 2022**

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### **Minutes May 2022**

**MEMBERS PRESENT:** Chair, Delayne Dean, Mr. Brad Townsend

**SUPERNUMERARIES:** Mr. Larry Waye, Mr. Chester Ayers

**COPIED TO:** Mr. Collis Stevenson, Rev. George Allen, Mr. Steven Thomas

**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 April 2022 meeting were approved without any changes. Mr. Brad Townsend motioned to approve the minutes. Mr. Larry Way seconded the motion. On a voice vote, the motion carried.

**Case numbers one, two and three were all voted on at the same time, same deposition.**

#### **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

Richard Humphry with Pugh, Wright and McAnally spoke representing Justin Roberts Homes, LLC.

Mr. Humphry stated the area had been plotted as common area for the lots being petitioned.

Mr. Humphrey stated the area is plotted as R 6, Single Family Semi-Attached Residential Zoning District, and a request has been submitted to rezone the property as R 5.0 Zero, Lot Line Single Family Patio Home Residential District to match the adjacent lots.

Mr. Humphrey stated all of the lots north of the adjacent lots are zoned R 5.0 and several years ago those lots were granted a variance to change from ten feet on one side and zero on the other to five and five on each side.

Mr. Humphrey stated the goal was to keep a cohesive look for the neighborhood.

Chair Dean verified Mr. Humphrey was asking for the same thing for each of the three lots, Mr. Humphrey agreed.

Chair Dean asked for question from the Board or the public, there were no comments.

Mr. Bob Sims, Building Department, asked Mr. Terry with the Planning Department to explain to the Board what was being requested.

Mr. Lee Terry, Planning Department, stated that this was a re-plat. For re-plat purposes on the plat the properties would be listed as one, two and three because it is only concerning that area.

Mr. Lee Terry, Planning Department, stated that the lot numbers do not matter because those go away once we get a variance.

Mr. Lee Terry, Planning Department, stated once zoning is approved then the Planning Commission can do the plat and create the license, take the license to probate and then the addresses will be assigned.

There were no further comments.

Case No. 1 was motioned by Mr. Larry Wayne to be approve with the condition that the property is re-zoned to R5.0 from R6. Mr. Brad Townsend seconded the motion on a roll call vote the motion carried.

Case No. 2 was motioned by Mr. Larry Wayne to be approve with the condition that the property is re-zoned to R5.0 from R6. Mr. Brad Townsend seconded the motion on a roll call vote the motion carried.

Case No. 3 was motioned by Mr. Larry Wayne to be approve with the condition that the property is re-zoned to R5.0 from R6. Mr. Brad Townsend seconded the motion on a roll call vote the motion carried.

#### **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.

Mr. Matt Stancil from Sheffield, Alabama presented this case to the Board.

Mr. Stancil stated Ollie's is looking to come to the strip mall located at 1682 Beltline Rd.

Mr. Stancil stated the company is concerned about visibility from Beltline Road because of how far the suite sits back off the road.

Mr. Stancil stated Ollie's is requesting a larger square footage of signage for better exposure to Beltline Road.

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

There were no comments.

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

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

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

## **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 to the existing front patio, located at 2116 Stratford Place SE, property is located in a R-1 Single Family Residential Zoning District.

Mr. Ernest Ball address 111 Grant Street SE presented this case to the Board.

Mr. Ball stated a variance was being requested to build up.

Mr. Ball stated this was not going to expand the footprint of the house.

Mr. Ball stated the house was over the set back line when first built.

Mr. Ball stated this was a one-time request, which meets the general environment of the property and the surrounding properties.

Mr. Stephen Pate, SPC Restorations, showed on an illustration the existing stoop and a roof they wanted to build over the top of that porch.

Mr. Stephen Pate, stated at this time the top of the porch lays about a foot inside the set back and they are wanting to extend the roof because the door keeps rotting.

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

There was new business to be discussed.

Mrs. Ruth Priest, Legal Department, stated in April's meeting Pine Island Partners had presented their case and the Board had denied their request for a use on appeal.

Pine Island Partners have filed written notice of an appeal to the circuit court.

Pine Island Partners have to provide notice to the Board.

Now that the Board has approved the minutes, from the April meeting, those minutes along with any documents, the application, and filing will be certified, and once the packet is complete, the Legal Department will produce the packet to the circuit court, which will then start to file in circuit court and the case will proceed.

Mrs. Priest stated, at this point there is nothing more for the Board to do until things proceed further.

Mrs. Priest stated witnesses from the Board may be needed depending on how things progress.

Mrs. Priest stated she was only updating the Board so they were aware of the situation.

Other business Chair, Dean stated beginning with the June 2022 meeting the pre-meeting will begin at 3:30 p.m. and be held on the fourth floor of City Hall in the Building Department. With an unanimous vote the ruling passed.

Meeting adjourned at 4:20 p.m.

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Delayne Dean, Chair

# **AGENDA**

## **June 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, June 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).

### **CASE NO. 1**

Application and appeal of Richard and Toshia Richardson for a 6 foot rear yard setback variance from Section 25-10.9 (2)(d) and defined in Article VI, of the Zoning Ordinance in order to build a new house located at 2704 Harley Circle SW, property is located in a R-2 Single Family Residential District.

### **CASE NO. 2**

Application and appeal of Kenneth Waller for a 2 foot 6 inch set back variance from Section 25-10.9 ( 2 ) ( e ) and defined in Article VI of the Zoning Ordinance in order to build an attached garage located at 2707 Carrington Dr. SW, property is located in a R-2 Single Family Residential District.

### **CASE NO. 3**

Application and appeal of Robert Ratliff for a 10 foot front yard setback variance from Section 25-14 and defined in Article VI of the Zoning Ordinance in order to reduce the front yard setback on the 4<sup>th</sup> Av and Prospect Dr. from 30 feet to 20 feet located at 403 Prospect Dr. SE, property is located in a R-3 Single Family Residential District.

### **CASE NO. 4**

Application and appeal of Jimmy Johnson for a 20 foot setback variance from Section 25-21.1 (2) and defined in Article VI of the Zoning Ordinance in order to allow for a 40 foot setback on the Beltline Rd right of way located at 512 Beltline Rd. SW, property is located in a M-1A Expressway Commercial District.

### **CASE NO. 5**

Application and appeal of Shelton Sign Co. for a 96 square foot area variance from Section 25-77 ( e ) (1) and defined in Article VI of the Zoning Ordinance in order to increase the signage size located at 935 Wimberly, property is located in a M-1A Expressway Commercial District



#1



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

Board of Zoning Adjustment

APPLICANT: Richard & Toshia Richardson  
MAILING ADDR: 26076 Valley Ridge Rd  
CITY, STATE, ZIP: Madison, AL 35756  
PHONE: 256-509-3136

PROPERTY OWNER: Richard & Toshia Richardson  
OWNER ADDR: 26076 Valley Ridge Rd  
CITY, STATE, ZIP: Madison, AL 35756 PHONE: 256-509-3136

ADDRESS FOR APPEAL: 2704 Harley Circle 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)

We would like a variance to the setback for the backyard. An additional 6 feet ~~setback~~ is requested as shown in the survey provided

Applicant Name (print) Richard Richardson  
Signature RB  
Representative Name (print) Toshia Richardson  
Signature \_\_\_\_\_  
Date 6-7-22

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

Office Use Received By: \_\_\_\_\_  
Zone R-2  
Hearing Date \_\_\_\_\_  
Approved/Disapproved \_\_\_\_\_

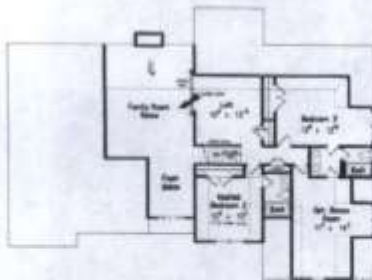
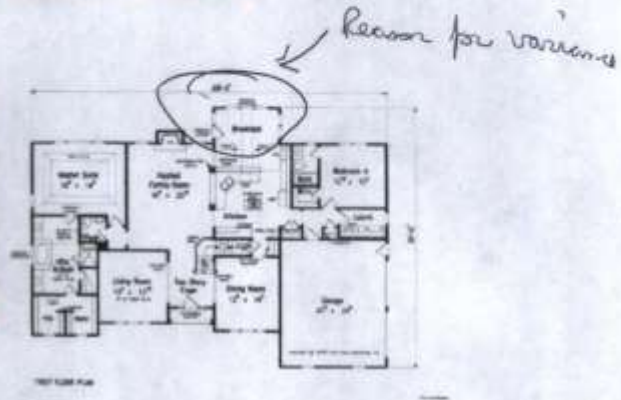
CASE NO. 1 2704 HARLEY CIR SW

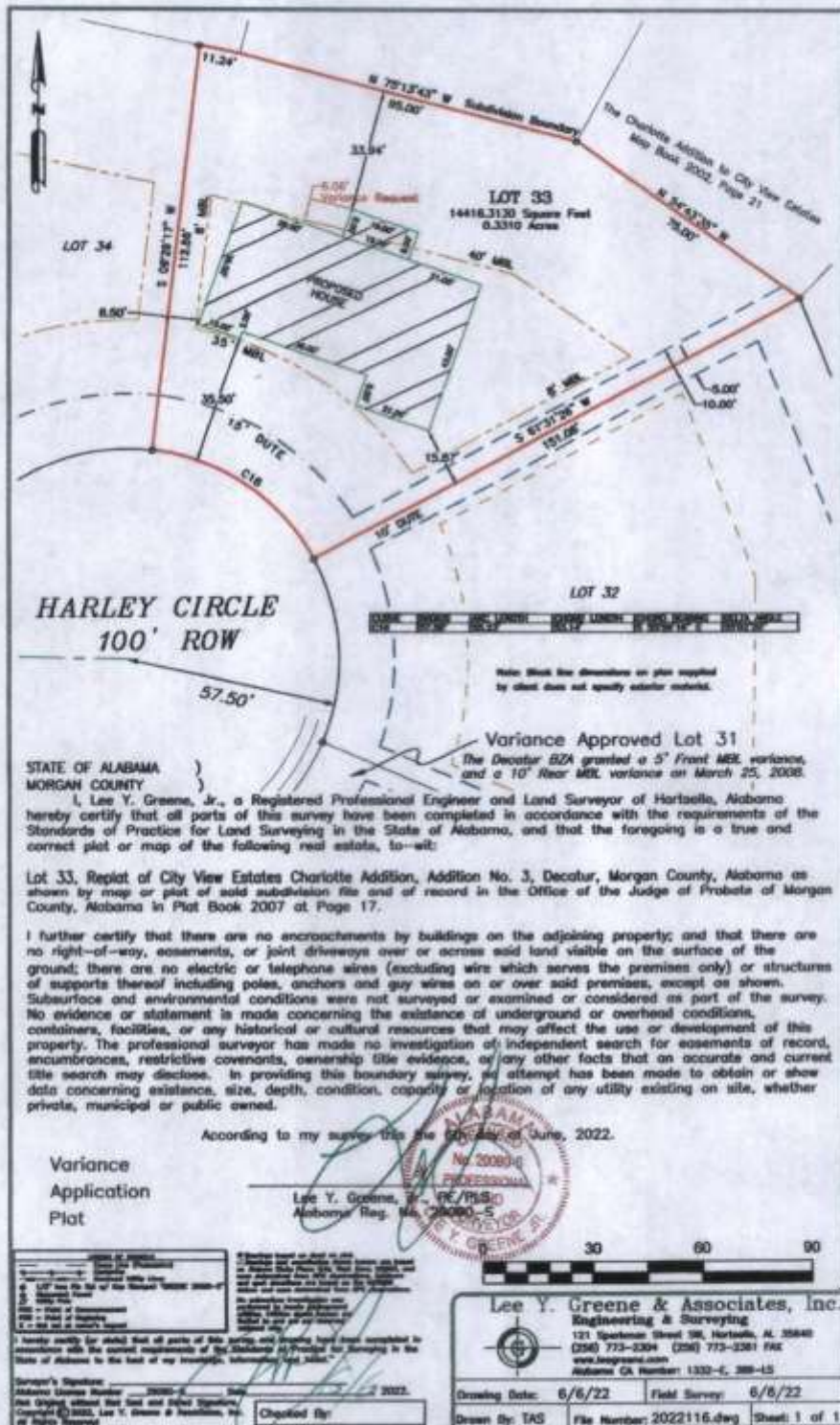
888.717.3003

HUTCHINSON



FRANK BETZ  
ASSOCIATES





SURVEY





MAP

2



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

Board of Zoning Adjustment

APPLICANT: Kenneth Waller  
MAILING ADDR: 2707 Carrington DR SW  
CITY, STATE, ZIP: Decatur AL 35603-1159  
PHONE: 636-203-8703

PROPERTY OWNER: Kenneth Waller  
OWNER ADDR: 2707 CARRINGTON DR SW  
CITY, STATE, ZIP: Decatur AL 35603 PHONE: 636-203-8703

ADDRESS FOR APPEAL: 2707 CARRINGTON DR SW

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 2 feet 6 inches setback variance to  
build attached garage 12 ft wide by  
24 ft deep.

Applicant Name (print) Kenneth Waller

Signature Kenneth Waller

Representative Name (print) \_\_\_\_\_

Signature \_\_\_\_\_

Date 6/9/2022

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

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

Zone R-2

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

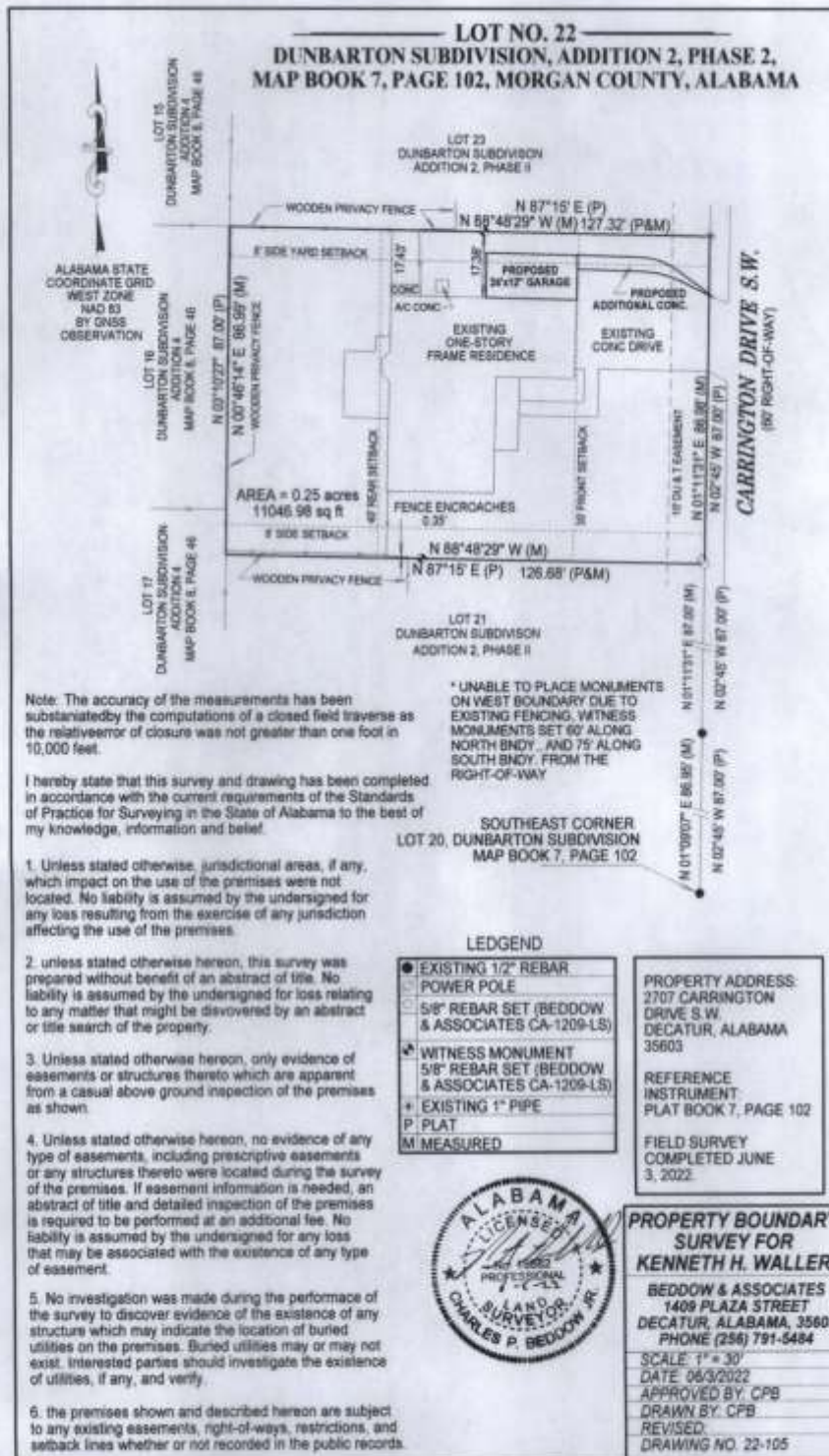
Approved/Disapproved \_\_\_\_\_

CASE NO. 2 2707 CARRINGTON DR SW

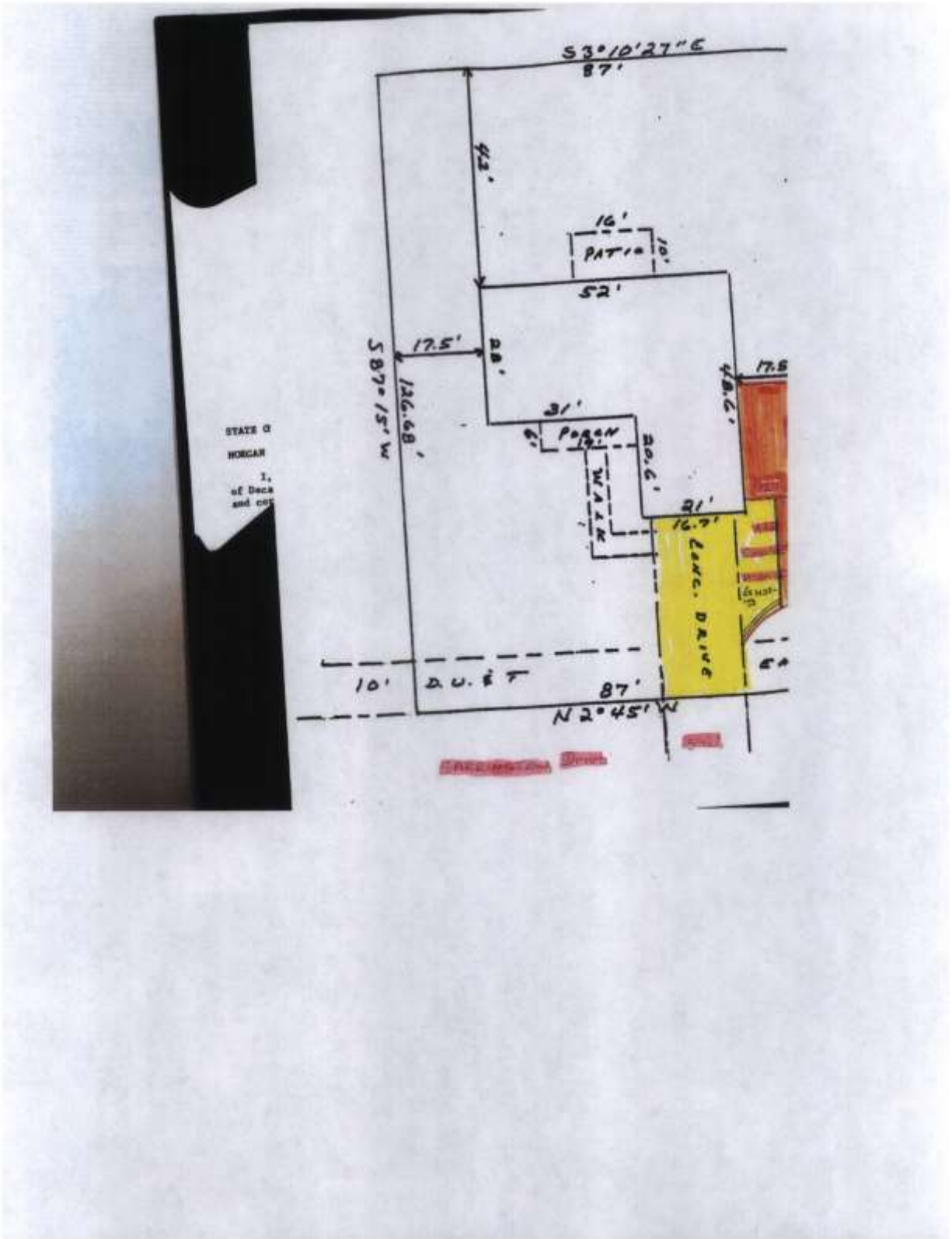


James H. Reddenfield  
James H. Reddenfield Reg. #9788.



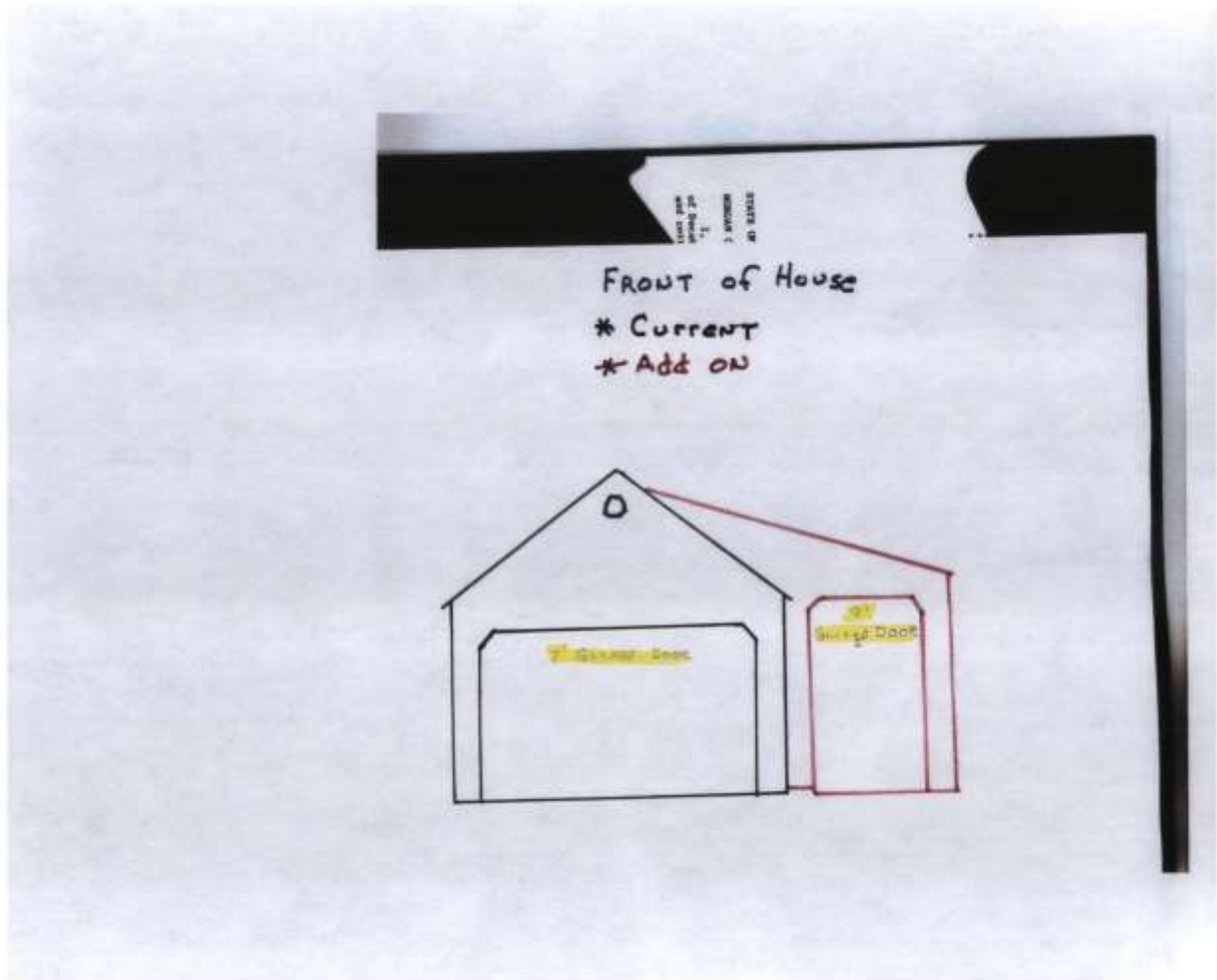


**SURVEY**

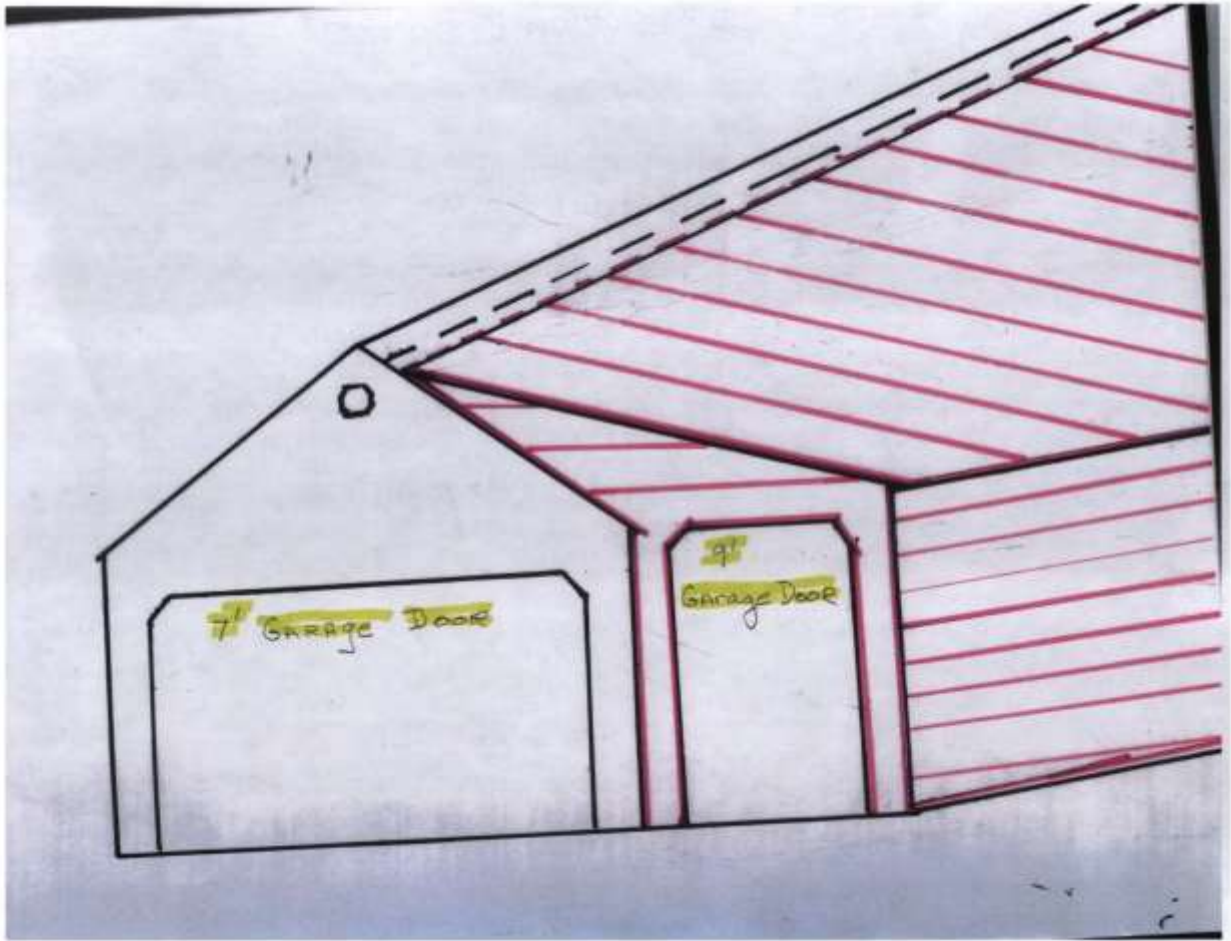


SURVEY





DRAWING



**DRAWING**



**BEFORE PICTURE**



**AFTER PICTURE**



MAP



3



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

Board of Zoning Adjustment

APPLICANT: ROBERT RATNEF  
MAILING ADDR: 202 GREENFIELD DR.  
CITY, STATE, ZIP: DECATUR, AL 35603  
PHONE: 256-990-0601

PROPERTY OWNER: ROBERT RATNEF  
OWNER ADDR: 202 GREENFIELD DR.  
CITY, STATE, ZIP: DECATUR, AL 35603 PHONE: 256-990-0601

ADDRESS FOR APPEAL: 403 PROSPECT DRIVE

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)

AT 403 PROSPECT DR. (SE CORNER OF PROSPECT DR. AND 4<sup>TH</sup> AVE SE)  
I REQUEST THAT THE MINIMUM BUILDING LINES OFF BOTH 4<sup>TH</sup> AVE  
AND PROSPECT DR. BE REDUCED FROM 30' TO 20'. THIS CHANGE  
WOULD ALLOW THE HOUSE I PLAN TO BUILD ON THE LOT MORE  
CLOSELY ALIGNED WITH THE HOUSES ON BOTH PROSPECT AND 4<sup>TH</sup>,  
THUS HELPING TO MAINTAIN THE ORIGINAL LOOK OF THE NEIGHBORHOOD.

Applicant Name (print) <u>ROBERT RATNEF</u>	If applicant is using a	Office Use Received By: _____
Signature <u>[Signature]</u>	representative for the	Zone <u>R-3</u>
Representative Name (print) _____	request both signatures	Hearing Date _____
Signature _____	are required	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/>
Date <u>JUNE 8, 2022</u>		

CASE NO. 3 403 PROSPECT DR SE

# OPTION 1

REDUCE MBL ON BOTH PROSPECT  
AND 4<sup>TH</sup> AVE. FROM 30' TO 20'



OPTION 1

OPTION # 2  
 REDUCE MBL ON PROSPECT DR. ONLY  
 FROM 30' TO 20'



OPTION 2



NO CHANGE TO MBLs





MAP



4



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

Board of Zoning Adjustment

APPLICANT: Jimmy Johnson  
MAILING ADDR: 512 Beltline Road  
CITY, STATE, ZIP: Decatur AL 35601  
PHONE: 256-227-0020

PROPERTY OWNER: Jimmy Johnson  
OWNER ADDR: 512 Beltline Road  
CITY, STATE, ZIP: Decatur AL 35601 PHONE: 256-227-0020

ADDRESS FOR APPEAL: 512 Beltline Road

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)

This lot is located on the Frontage Road on the north side of Beltline Road west of Sandlin Road. The lot is 110 feet deep and is zoned B-2. The adjacent buildings are set back approximately 25 to 35 feet from the right-of-way. Enforcement of the 60-ft setback as stated in the Zoning Ordinance with the 20-ft rear setback would make this lot practically unbuildable. We request a 20-ft front setback variance to allow for a 40-ft setback from the Beltline Rd Right-of-way.

Applicant Name (print) Jimmy Johnson

If applicant is using a

Office Use Received By: W

Signature [Signature]

representative for the

Zone M-1A

Representative Name (print) \_\_\_\_\_

request both signatures

Hearing Date 6/28/2022

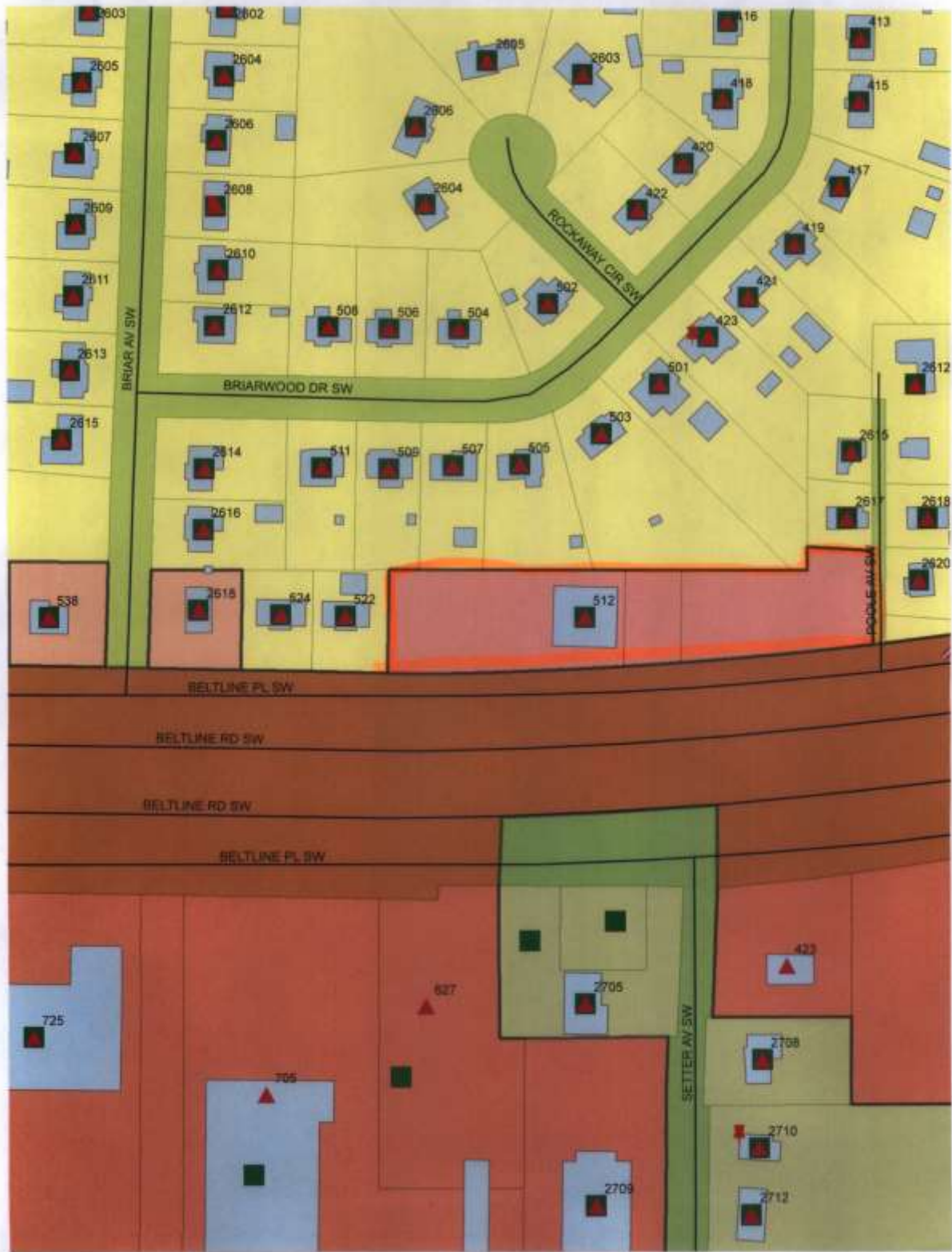
Signature \_\_\_\_\_

are required

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

Date 6-7-22

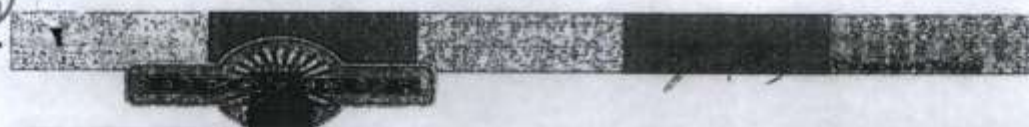
CASE NO. 4 512 BELTLINE RD



MAP



(5)



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

Board of Zoning Adjustment

APPLICANT: Shelton Sign Co Inc  
MAILING ADDR: 1230 4th Ave SE  
CITY, STATE, ZIP: Decatur AL 35601  
PHONE: 256-350-2665

PROPERTY OWNER: GATEWAY  
OWNER ADDR: 300 MARKET ST NW  
CITY, STATE, ZIP: Decatur AL 35601 PHONE: 256-3550721

ADDRESS FOR APPEAL: 935 WIMBERLY 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)

Asking For a Sign square footage change to 200 square ft  
Reason Being Distance From Road to Building  
and at current Size is way to small to see.

Applicant Name (print) Derek Shelton  
Signature [Signature]  
Representative Name (print) Ricki Moore  
Signature [Signature]  
Date June 1, 2022

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

Office Use Received By: [Signature]  
Zone M-2 A  
Hearing Date 6/25/2022  
Approved/Disapproved

CASE NO. 5 935 WIMBERLY DR. SW



MAP