

BOARD OF ZONING ADJUSTMENT

AGENDA

January 2023

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Minutes November 2022

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

SUPERNUMERARIES: Mr. Larry Waye, Mr. Chester Ayers

COPIED TO: Rev. George Allen

OTHERS PRESENT: Mrs. Ruth Priest, Asst. City Attorney
Mr. Matthew Marques, Planning Department
Mr. Bob Sims, Building Inspector
Mrs. Nancy Whiteside, Recorder

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

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

The minutes from the October 2022 meeting were approved. Mr. Larry Waye motioned to approve the minutes. Mr. Steven Thomas seconded the motion. On a voice vote, the motion carried.

CASE NO. 1

Application and appeal of Francisco Rueda for an 18 foot rear yard set-back variance from Section 25-10.9 (2) (d) of the Zoning Ordinance in order to add a master bedroom and laundry room, property is located at 2704 Compton Dr. SW in a R-2 Single Family Residential District.

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

CASE NO. 2

Application and appeal of Danny Hill for a 6-inch front yard set-back variance from Section 25-10.8 (2) (c) of the Zoning Ordinance in order to build a new home located at 1658 Lake Cove Dr. SW, property is located in an AG-1 Agricultural District.

Mr. Danny Hill presented this case to the Board. Mr. Hill stated his name was Danny Hill and his address was P.O. Box 1358 Decatur, Al. 35602.

Mr. Hill explained that he was requesting 5/8 of an inch, to build a new home located at 1658 Lake Cove Dr. SW. Mr. Hill explained that the blocked was laid incorrectly at the start of the build.

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

CASE NO. 3

Application and appeal of Dexter Elliot for an administrative decision from Section 25-11 of the Zoning Ordinance in order to operate a crematory in a 60 x 80 metal storage unit located at 103 13th Av. NW from Section 25-11, property is located in a B-2 General Business District.

Mr. Dexter Elliot presented this case to the Board. Mr. Elliot stated his name was Dexter Elliot and his address was 103 13th Av NW. Mr. Elliot stated he would like to operate a crematory at Reynolds Funeral Home located at 103 13th Av NW.

Mr. Larry Waye asked Mr. Elliot if he was there to appeal a decision made by the Building Department. Mr. Elliot stated that was correct.

Mr. Steven Thomas verified that the emission comparisons distributed were true and correct to Mr. Elliot's knowledge, Mr. Elliot agreed.

Mr. Brad Townsend verified that the reason the request was denied, by the Building and Planning Departments, was that it was not allowable in a B-2 General Business District, Mr. Lee Terry stated that was correct.

Mr. Lee Terry, Planning Department stated that a crematory is not classified as a wholesale business or as a service according to the NAICS Code: 812220.

Mr. Steven Thomas asked Mr. Elliot how tall the stack would be in reference to the building.

Mr. Elliot stated that the stack would not be any taller than a chimney stack.

Mr. Steven Thomas stated he understood that there would not be any excessive gases coming from the chimneystack, Mr. Elliot agreed.

Chair Dean asked for 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 further comments.

Mr. Steven Thomas motioned to approve this case as submitted. Mr. Chester Ayers seconded the motion. On a roll-call vote the motion failed with a 3-2 vote.

CASE NO. 1

Application and appeal of Francisco Rueda for an 18 foot rear yard set-back variance from Section 25-10.9 (2) (d) of the Zoning Ordinance in order to add a master bedroom and laundry room, property is located at 2704 Compton Dr. SW in a R-2 Single Family Residential District.

This case was called again, and DISMISSED when no one came forward to present the case.

The Board motioned to adjourn, when Mr. Rueda came into the Council Chambers.

The Board voted to hear Mr. Rueda.

Mr. Francisco Rueda presented this case to the Board. Mr. Rueda stated his name was Francisco Rueda and his address was 2704 Compton Dr. SW and he would like to have an 18-foot rear yard set-back in order to add a master bedroom and a laundry room to the back of his house.

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 comment.

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

Meeting adjourned at 4:25 p.m.

Delayne Dean, Chair

AGENDA

January 2023

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, January 31, 2023 at 4:00 p.m. And, also broadcast live on City of Decatur You Tube Channel at [https://www.youtube.com/c/Cityof DecaturAl](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. Submit questions via email at bozaquestions@decatur-al.gov.

CASE NO. 1

Application and appeal of James D. Morrill for a 6-foot front yard set-back variance from Section 25-10.9 (2) (c) of the Zoning Ordinance in order to build a front porch located at 3001 Sandlin Rd SW, property is located in a R-2 Single Family Residential District.

CASE NO. 2

Application and appeal of Fite Construction Company, LLC for a 13 foot 2 1/2 inch rear-yard setback variance from Section 25-11 of the Zoning Ordinance in order to build a storage building that will be attached to the main building located at 801 Bradley St SW, property is located in a B-1 Local Shopping Business District.

CASE NO. 3

Application and appeal of Wendy Treadway for a 19 foot front yard setback variance from Section 25-14 and 25-10-10.9 (2) (c) of the Zoning Ordinance and a 36 foot rear yard setback from Section 25-10.9 (2) (d) of the Zoning Ordinance. In order to build a garage located at 2702 Harley Circle SW, property is located in a R-2 Single Family Residential District.

CASE NO. 4

Application and appeal of Maria Hernandez and Martin Gutierrez for a determination as a use permitted on appeal as allowed in Section 25-11 of the Zoning Ordinance, in order to have use of the existing building for residential purposes located at 1805 Wadsworth Street SE. Property is located in a B-1 Local Shopping Business District.

#1



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: James Morrill
MAILING ADDR: 2512 Quince Dr
CITY, STATE, ZIP: Decatur, AL 35601
PHONE: 256-309-7748

PROPERTY OWNER: James Morrill
OWNER ADDR: 2512 Quince Dr
CITY, STATE, ZIP: Decatur AL 35601 PHONE: 256-309-7748

ADDRESS FOR APPEAL: 3001 SANDLIN RD 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

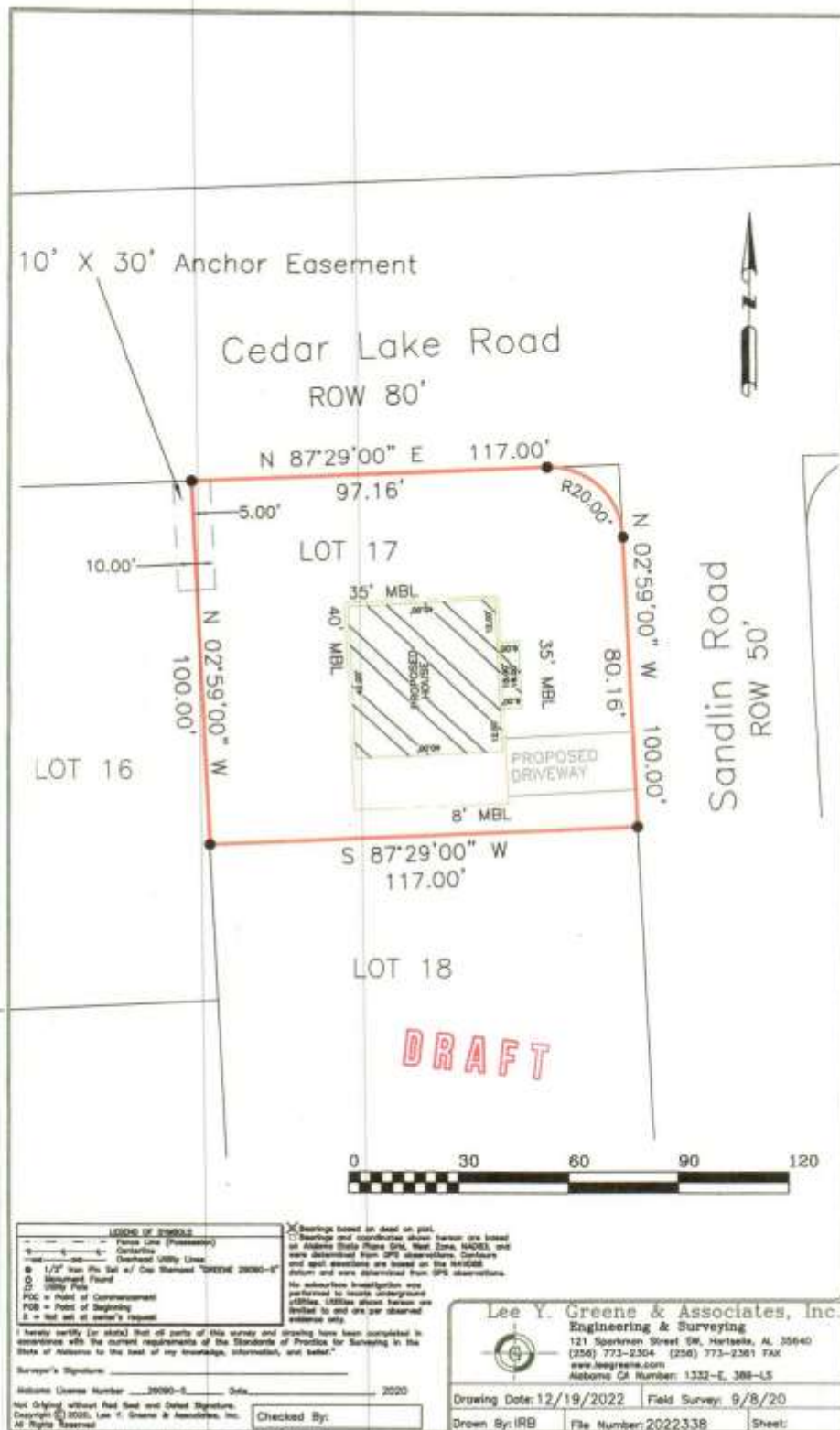
For the case to be heard*****

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

6 Foot ~~Front~~ yard variance for front porch

Applicant Name (print) <u>James D. Morrill</u>	Applicant is using a	Office Use Received By: <u>JW</u>
Signature <u>[Signature]</u>	representative for the	Zone <u>R-2</u>
Representative Name (print) _____	request both signatures	Hearing Date <u>1/31/23</u>
Signature _____	are required	Approved/Disapproved _____
Date _____		

CASE NO. 1 3001 SANDLIN RD SW



SURVEY

#2

DECATUR

PLANNING BOARD

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Fite Construction Company, LLC

MAILING ADDR: 3116 Sexton Rd., Suite A

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 256-476-3553 or 256-353-5759

Marty

PROPERTY OWNER: Sav-A-Life Tennessee Valley, Inc.

OWNER ADDR: 801 Bradley St., SW

CITY, STATE, ZIP: Decatur, AL 35601

PHONE: 256-355-3828

ADDRESS FOR APPEAL: 801 Bradley St., 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)

This request for a variance is to allow a proposed storage building to be attached to the main building with a small enclosed corridor and still consider addition as an accessory building with regard to setbacks. The enclosed connection is for the increased safety of the Sav-a-life employees.

Applicant Name (print): Blake McAnally Marty Blackwood

Signature: H. Blake McAnally

Representative Name (print): Veronna Keen

Signature: Veronna Keen

Date: January 3, 2023

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

Office Use Received By: KL

Zone B-1

Hearing Date 1/31/2023

Approved/Disapproved

CASE NO. 2 801 BRADLEY STREET SW

#3

DECATUR

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Windy Treadway
MAILING ADDR: 2702 HARLEY CIR
CITY, STATE, ZIP: DECATUR AL 35603
PHONE: 256-345-3888

PROPERTY OWNER: Windy Treadway
OWNER ADDR: 2702 HARLEY CIR
CITY, STATE, ZIP: DECATUR AL 35603 PHONE: 256-345-3888

ADDRESS FOR APPEAL: 2702 HARLEY CIR 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)

19' SIDEYARD VARIANCE
36' BACKYARD VARIANCE
TO BUILD GARAGE

Applicant Name (print) Windy Treadway
Signature Windy Treadway
Representative Name (print) Bobby Davis
Signature Bobby Davis
Date 1-6-23

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. 3 2702 HARLEY CIRCLE SW



Lot 34
City View Estate #3 Replat of Charlottes Addition
Proposed Garage Stake out



I hereby state that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Land Surveying in the State of Alabama, this being to the best of my knowledge, information and beliefs. Copyrighted by Ronald S. Stroup, no part of this drawing may be copied, added to, altered or reproduced by any means without the permission from Ronald S. Stroup, Alabama License No. 12707.



MID-SOUTH TESTING INC., 2220 BRIDLEWAY ROAD SW, DECATUR ALABAMA, 35601			
Sheet	Title	Scale: 1"=30'	Project: No. 23-01-0415
of	Proposed Garage	Date: 1-5-23	Cad name: g.davis
	Proposal survey	Drawn By: WJC	File n: /edwaga/Alabama

SURVEY



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Maria Hernandez and Martin Gutierrez
MAILING ADDR: 6325 County Road 214
CITY, STATE, ZIP: Trinity AL 35673
PHONE: 256-560-1073

PROPERTY OWNER: Maria Hernandez and Martin Gutierrez
OWNER ADDR: 6325 County Road 214
CITY, STATE, ZIP: Trinity AL 35673 PHONE: 256-560-1073

ADDRESS FOR APPEAL: 1805 Wadsworth Street SE, 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)

Owner purchased property to build two new residential houses to sell (or rent should the housing market deteriorate). Lot is 120' wide by 130' deep and would require a certificate to subdivide resulting in a proposed 2 lots, each being 60' wide by 130' deep (to meet R-4 zoning). It is our understanding that the property was used for residential purposes prior to the building being removed from the site. There are no plans for any house to be used for business and we would anticipate should that become the case another application would need to be filed by the then current owner.

Applicant Name (print) <u>Maria Hernandez</u>	If applicant is using a	Office Use Received By: <u>Cindy</u>
Signature <u>[Signature]</u>	representative for the	Zone <u>B-1</u>
Representative Name (print) <u>Steve Stanfill-XRAM Inc</u>	request both signatures	Hearing Date <u>1/31/23 4:00 p.m.</u>
Signature <u>[Signature]</u>	are required	Approved Disapproved
Date <u>1/19/23</u>		

CASE NO. 4 1805 WADSWORTH ST SE

STATE OF ALABAMA, MORGAN COUNTY. I CERTIFY THIS INSTRUMENT ON: 2022-08-05
09:59:55 AM DEED BK 2022 PG 8945 GREG CAIN, JUDGE OF PROBATE (E-FILED)

This instrument was prepared by:
Ernest W. Ball
111 Grant Street, Decatur, Alabama 35601

Said tax notice to:
Maria Hernandez and Martin Gutierrez
1209 Washington Street SE, Decatur, Alabama 35601

WARRANTY DEED (JOINT TENANTS WITH RIGHT OF SURVIVORSHIP)

7414 North St SE
Decatur AL
35601

STATE OF ALABAMA)
MORGAN COUNTY) KNOW ALL MEN BY THESE PRESENTS:

That in consideration of ONE HUNDRED Dollars (\$100.00) to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we, **JIMMY TURNER**, a married man (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto **MARIA HERNANDEZ** and **MARTIN GUTIERREZ** (herein referred to as grantees, whether one or more), the following described real estate, situated in MORGAN County, Alabama, to-wit:


LOTS 4, 6 AND 8, BLOCK 15, OF THE DECATUR LAND IMPROVEMENT AND FURNACE COMPANY'S ADDITION NO. 4 TO DECATUR, ALABAMA, AS SHOWN BY MAP OR PLAT OF SAID ADDITION ON FILE AND OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MORGAN COUNTY, ALABAMA, IN MAP BOOK 1 AT PAGE 20.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS OF RECORD, RIGHT OF WAY AND CURRENT AD VALOREM TAXES, ***NOT THE HOMESTEAD OF THE GRANTOR OR HIS SPOUSE.***

TO HAVE AND TO HOLD to the said grantees, as joint tenants with right of survivorship, their heirs and assigns forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein), in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one grantee does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators, covenant with the said grantee, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal(s), this 4th day of August, 2022.


JIMMY TURNER (Seal)

STATE OF ALABAMA)
MORGAN COUNTY) GENERAL ACKNOWLEDGEMENT

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **JIMMY TURNER** whose name(s) is (are) signed to the foregoing conveyance and who is (are) known to me, acknowledged before me on this date, that, being informed of the contents of the conveyance, he (she) (they) executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 4th day of August, 2022.




NOTARY PUBLIC
My Commission Expires 7/25/2023

WARRANTY DEED

STATE OF ALABAMA, MORGAN COUNTY DEED BK 2022 PG 8946
Tran: 22556.498847.652013 CLERK: Rea
REC:\$6.00 DFE:\$11.00 NTX:\$0.00 AFF:\$5.00 FIL:\$1.00 MISC:\$0.00 TOTAL:\$23.00

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name	<u>Jimmy Turner</u>	Grantee's Name	<u>Maria Hernandez</u> <u>Martin Gutierrez</u>
Mailing Address	<u>1805 Wadsworth St. SE</u> <u>Decatur, AL 35601</u>	Mailing Address	<u>1805 Wadsworth Street SE</u> <u>Decatur, AL 35601</u>
Property Address	<u>1805 Wadsworth Street SE</u> <u>Decatur, AL 35601</u>	Date of Sale	<u>06/04/22</u>
		Total Purchase Price	\$ <u>11,000.00</u>
		or	
		Actual Value	\$ _____
		or	
		Assessor's Market Value	\$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- | | |
|----------------------------------------------------|------------------------------------|
| <input type="checkbox"/> Bill of Sale | <input type="checkbox"/> Appraisal |
| <input checked="" type="checkbox"/> Sales Contract | <input type="checkbox"/> Other |
| <input type="checkbox"/> Closing Statement | |

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available. Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 06/04/22

Print Ernest M. Ball

Unattested

Sign

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

SALES CONTRACT