

BOARD OF ZONING ADJUSTMENT

AGENDA

February 2023

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Minutes January 2023

MEMBERS PRESENT: Delayne Dean, Mr. Brad Townsend, Mr. Chester Ayers

SUPERNUMERARIES: Mr. J. Michael Maurer, Mr. Mark McCurry

COPIED TO: Rev. George Allen

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

Mr. Lee Terry, 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 November 2022 meeting were approved. Mr. Brad Townson motioned to approve the minutes. Mr. Chester Ayers seconded the motion. On a voice vote, the motion carried

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.

Mr. James Morrill presented this case to the Board. Mr. Morrill stated his name was James Morrill and the address for consideration was 3002 Sandlin Road SW and he was asking for a 6-foot front yard setback in order to build a front porch at this location.

Mr. Morrill stated this lot is wider than rectangular and that is the reason he is asking for the variance.

Mr. Morrill stated he has built this floorplan several times before and he needs this variance in order to put the house on the lot.

Chair Dean verified the address.

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

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

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

Mr. Brad Townson motioned to approve this case as submitted. Mr. Mark McCurry seconded the motion. On a roll-call vote, the motion carried.

CASE NO. 2

Application and appeal of Fite Construction Company, LLC for a 13 foot 21/2 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.

Mr. Marty Blackwood presented this case to the Board. Mr. Blackwood stated his name was Marty Blackwood and the address for consideration is 801 Bradley St. SW. Mr. Blackwood stated this request is to allow an accessory structure to be turned into a storage building using the setbacks stated.

Chair Dean stated she understood the request to be covered is to add security, Mr. Blackwood agreed.

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

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

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

Mr. Chester Ayers motioned to approve this case as submitted. Mr. J. Michael Maurer seconded the motion. On a roll-call vote, the motion carried.

Mr. Blackwood amended the application to reflect the request showing 13 21/2 rear yard setback was being requested.

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.

Mr. Bobby Davis presented this case to the Board. Mr. Davis stated his name was Bobby Davis, father of Wendy Treadway, and the address for consideration was 2702 Harley Circle SW. Mr. Davis stated this request was to build a detached garage behind the house.

Chair Dean stated two emails were received from neighbors opposing the build of the garage.

Chair Dean asked for questions from the Board.

Mr. Brad Townsend asked Mr. Davis about the height of the garage.

Mr. Davis stated the garage would have ten-foot ceilings with seven-foot pitch.

Mr. Michael Maurer asked Mr. Davis about the dimensions of the garage.

Mr. Davis stated the garage would be 30 x 35.

Mr. Davis stated Ms. Treadway was advised to come before this board before going to the architectural board for the subdivision.

Chair Dean stated to Mr. Davis if there is a HOA or an architectural board that board's decision would supersede any decision the Board of Zoning Adjustments would make, Mr. Davis understood.

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

Mr. Davis asked the Board what to do now.

Mr. Davis was advised he could resubmit the request.

There was a discussion about the next steps that could be taken before resubmittal.

Whiteside, Nancy

From:

Linda Eubanks < lindaeubanks1123@yahoo.com>

Sent:

Thursday, January 26, 2023 3:48 PM

To:

Whiteside, Nancy

Subject:

Case #3 at 2702 Harley Circle

In regard to the application of Wendy Treadway for front and back yard setbacks, we strongly oppose this request.

This request will distract from the neighborhood and will cause a nuisance to the area because of the daily activities that occur at this address.

It is our understanding she has not received approval from the homeowners architect committee for the construction of this building.

Please consider the neighborhood when you make your decision.

Thank you

Ken and Linda Eubanks 2005 Sarah Lane City View Estates

Sent from

January 30, 2023

To the Board of Zoning Adjustment:

This letter is in reference to the request 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 at 2702 Harley Circle SW, in order to build a detached garage. I own and reside at 1919 Brayden Dr SW, across the street from the above address, and have concerns for the appearance of the proposed garage, as I see the footprint of the building staked out.

My understanding is that building setbacks are established to protect the integrity of the appearance of all properties in a subdivision and prevent the infringement on adjacent properties. This garage would be the only building beyond the established setbacks along Sarah Ln SW, and would be an obtrusive structure when turning on to Sarah Ln from Auburn Dr SW. The structure would be mostly to the west side of the existing house and would also totally violate the rear yard setback northward and toward Sarah Ln SW.

I respectfully request denial of this setback request for the above stated concerns.

Thank you,

Bill Harwell 1919 Brayden Dr SW Decatur, Alabama 35603

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.

Mr. Steve Stanfill with the firm XRAM, Inc., representing the homeowners, stated his name was Steve Stanfill and the address for consideration was 1805 Wadsworth Street SE.

Mr. Stanfill stated the homeowners wanted to have the address, 1805 Wadsworth, rezoned from B-1 Local Shopping Business District to R-4 Multifamily Residential District in order to build all new houses.

Chair Dean stated to Mr. Stanfill that this Board could not approve the changing of the zones but they could approve allowing houses to be built in a B-1 zoning district.

Mr. Stanfill stated three lots would be consolidated into two lots in order to build the homes.

Mrs. Ruth Priest, Assistant City Attorney, stated to Mr. Stanfill that this Board could not approve the consolidation of the lots, Mr. Stanfill understood.

Mr. Mark McCurry verified two houses would be built on the property, Mr. Stanfill agreed.

Mr. Michael Maurer asked Mr. Stanfill if he purchased permits to clear the property.

Mr. Stanfill stated when he went out with the surveyor he saw that the property was clear.

Chair Dean asked for further comments 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. Chester Ayers motioned to approve this case as submitted. Mr. Brad Townsend seconded the motion. On a roll-call vote, the motion carried.

Delayne Dean, Chair

Meeting adjourned at 4:15 p.m.

AGENDA

February 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, February 28, 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 for the purpose of hearing the following applications and appeals at which time all interested parties are requested to the be present and will be given an opportunity to be heard. Submit questions via email at bozaquestions@decatur-al.gov.

CASE NO. 1

Application and appeal of Cosqsuella Washington for a 1 foot side yard variance from Section 25-10.10 (2) (e) of the Zoning Ordinance in order to add an addition onto the back of the house, property is located at 903 9th Ave SE in a R-3 Single Family Residential District.

CASE NO. 2

Application and appeal Mid-South Signs for a 176.38 square foot variance from Section 25-77 (e) (1) of the Zoning Ordinance in order for branding signage is seen from each side of the building. This property is located at 1227 6th Av SE, located in a R-D Redevelopment District.

CASE NO. 3

Application and appeal Cameron L. Buurma for the following variances located at 1820 College St. SE. The property is located in a R-3 Single Family Residential District.

- A) 3.83 side yard setback variance from Section 25-10.10 (2) (e) of the Zoning Ordinance.
- B) 2.94 foot side yard setback variance from Section 25-10.10 (2) (e) of the Zoning Ordinance.
- C) 11.26 front yard setback variance from Section 25-10.10 (2) (c) of the Zoning Ordinance.

CASE NO. 4

Application and appeal Wendy Treadway for a 19-foot front yard setback variance from Section 25-20 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. 5

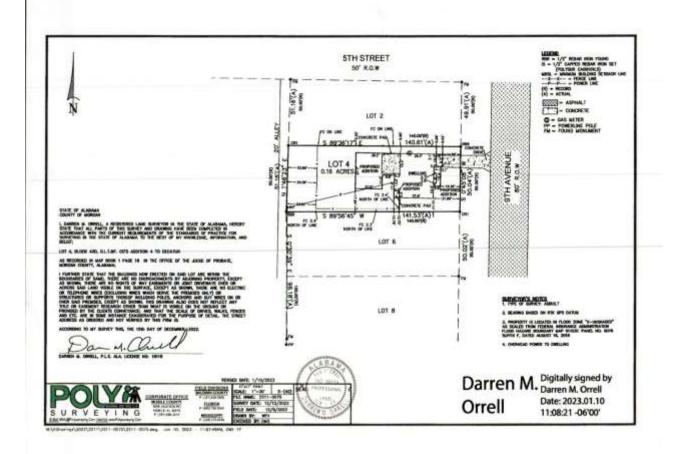
Application and appeal of Edgar Poj Guare for the following variances located at 803 9th St. SE. The property is located in a R-3 Single Family Residential District.

- A) 11 inch side yard setback variance from Section 25-10.10 (2) (e) of the Zoning Ordinance.
- B) 2.91 foot side yard setback variance from Section 25-10.10 (2) (e) of the Zoning Ordinance.

CASE NO. 6

Application and appeal of Charlotte Dozier for a use permitted on appeal from Section 25-12.1 of the Zoning Ordinance in order to have a trailer court located at 135 Russell Rd, property is located in an AG-1 Agricultural District.

Feb. 28, 2023 @ 4:00	1St Floor IN The	Courseil Chambers.
DECATUR	and	STATE CHARMING SCALE
402 Lee St NE 1st Floor Council Chamber	2	Board of Zoning Adjustment
APPLICANT: CapsuElla WAS	pulstail	
MAILING ADDR: 23/9 Willi	ANSBURG CT?	Sho
CITY, STATE, ZIP: DECATUR	AL 35603	
PHONE: 2560 642-6207		
	255 -50	
PROPERTY OWNER: Consul IIA	Washuls for	/
OWNER ADDR: 903 90 AVE	E S.E.	
CITY, STATE, ZIP: NEONTOR A	L 35601_PHONE	3256) 442-6307
ADDRESS FOR APPEAL: 903 95	h AVE S.E.	
NAT	URE OF APPEAL:	
O HOME OCCUPATION SET	BACK VARIANCE SI	GN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADM	MINISTRATIVE DECISION
OTHER SURVEY FOR VARIAN		NGS FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed	d Representative MU	ST be present in order
For the c	ase to be heard****	
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS	5, # FT FOR VARIANCES; # FOR PARKING	S; HARDSHIP; TYPE OF BUSINESS)
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709 Stoken & Iban	3	
Applicant Nany Forms (2754 Elfor WAShirty	of If applicant is using a	Office Use Received By:
Signatury Endeally Washington	representative for the	Zone
Representative Name (print) Signature	request both signatures are required	Hearing Date
Date	are required	Approved/Disapproved







on a CHARMING SCALE

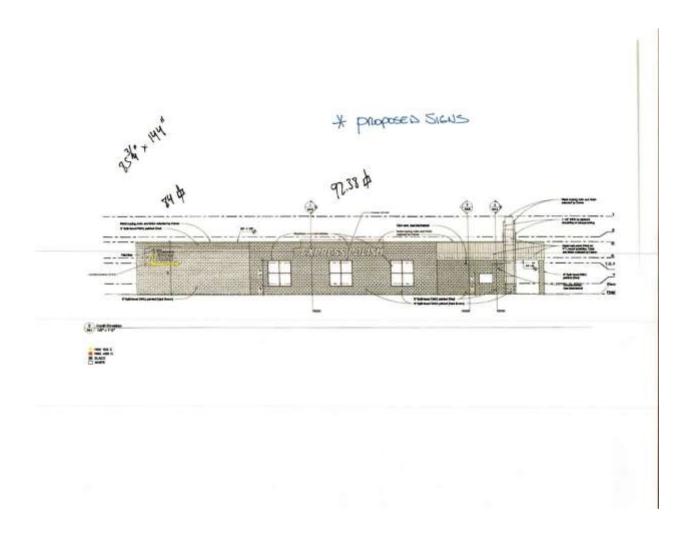
Board of Zoning Adjustment

PHONE GLZ-327-7807	182 ms 39°	702
PROPERTY OWNER: MILL PEIN DWNER ADDR: 1227 6 TH DITY STATE ZIP: DECOLUL DWNER PHONE: 256-759-	Aue.	en FONTAIN, LC
ADDRESS FOR APPEAL: 1227 6	1 Ave	SE
*****Applicants or Duly App	FOR VARIANCES A	RIANCE DISTON VARIANCE APPEAL OF ADMINISTRATIVE DECISION ATTACHED DRAWINGS FOR VARIANCES ATTACHED resentative MUST be present in order
DESCRIBE APPEAL IN DETAIL: (INCLUDE:D	IMENSIONS, # FT FOR	VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS.)
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The Board of Zoolog Adjustment meets the fast 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° of the most be to be heard the last Tuesday of the month

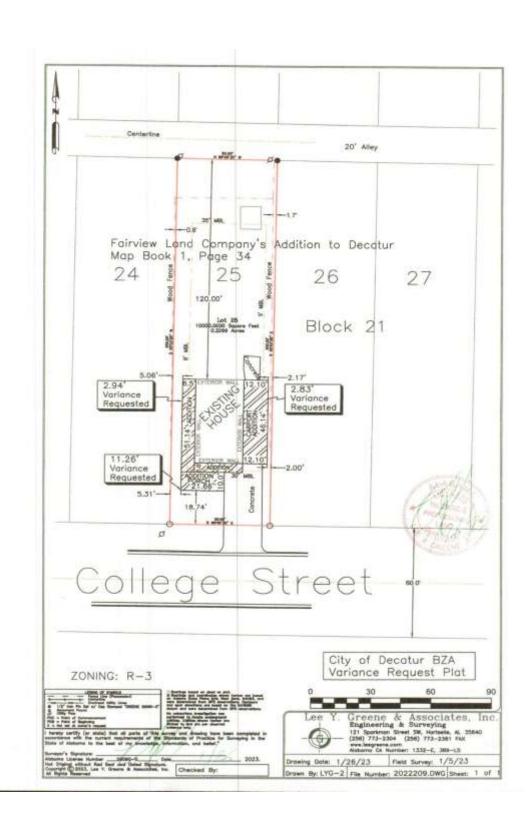


DIAGRAM



PROPOSED SIGNAGE

		Character South
The Control of the last	7	
402 Lee St NE 1st Floor Council Chamber		Board of Zoning Adjustment
APPLICANT: Comeron L. Buyrm	٩	
MAILING ADDR: 1507 8th St. SE		
CITY, STATE, ZIP: Decatur, AL 35	601	
PHONE: 567-224-8480		
PROPERTY OWNER: Cameron L. B		
OWNER ADDR: 1507 8th St SE, P	Secution, AL 356	10.
CITY, STATE, ZIP: Decatur, AL 356	OHO PHO	NE: 567-224-8480
ADDRESS FOR APPEAL: 1820 College	e St. SE, Decatus	, AL 35601
NATUI	RE OF APPEAL:	
○ HOME OCCUPATION SETBAC	K VARIANCE	SIGN VARIANCE
USE PERMITTED ON APPEAL	O APPEAL OF AL	OMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES	S ATTACHED DRAW	VINGS FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed F	Representative MI	JST be present in order
For the case	e to be heard****	•
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, #	FT FOR VARIANCES; # FOR PARK	NG; HARDSHIP; TYPE OF BUSINESS)
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carpert addition. 2.83' variance required on west side	of lower and 11 21	L'unione en sont ede
facing street, to move west wall 6.5'	Upw Atres bor too	5' out to expend living room
	ices. And new puch	
	read Ation sail in so	e 2 houses to the west.
house Front of house and push would)		
house Front of house and push would)	If applicant is using a	Office Use Received By:
house Front of house and push would) Applicant Name (print) Comeron L. Burning Signature Cameron & Burning	representative for the	Zone
house Front of house and purch would)		(Carriero



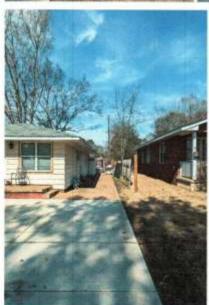
SURVEY

1820 Callese St. SE

View of neighbor's honces to the west. House and puch addition would be in line with the neighbor where blue track is packed. (1816 College St.)



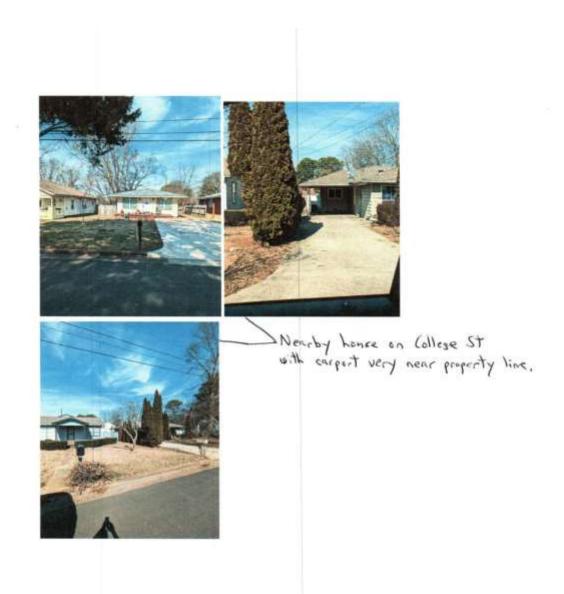






Proposed carpet would be over this existing driveway along the house.

Two homes across the street built close together like many others on this street.



Google Maps 1820 College St SE





Proposed variance would be very much in line with 1818 and 1816 relative to the street.

1820 College St SE Building





You visited today

1820 College St SE, Decatur, AL 35601

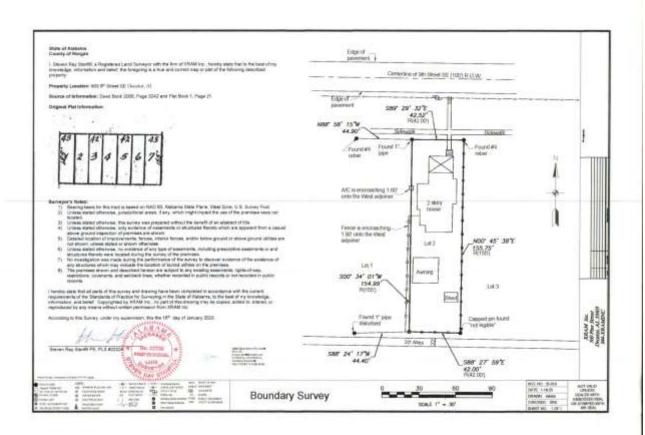
Photos

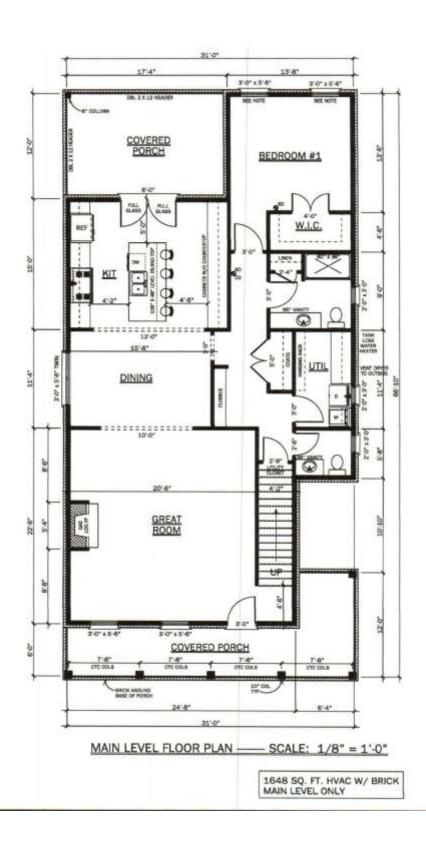
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DECATUR	
402 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustm
APPLICANT: Wendy TREADWAY	
MAILING ADDR: 2702 HARLEY CR	
CITY, STATE, ZIP: DECATUR, AL 3560	3
PHONE: 256-345-3888	
FRUNC. 236 275 2788	
PROPERTY OWNER: Wendy TREADWRY	
OWNER ADDR: 2702 HARLEY CR	
CITY, STATE, ZIP: DECATUR, AL 35603PHO	DNE: 256-345-388
ADDRESS FOR APPEAL: 2702 Harley Cr. S	w. 35603
NATURE OF APPEAL:	
○ HOME OCCUPATION SETBACK VARIANCE	SIGN VARIANCE
USE PERMITTED ON APPEAL APPEAL OF	ADMINISTRATIVE DECISION
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DECATUR	See and Character to the Act
402 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustment
APPLICANT: Edgar D. Boy MAILING ADDR: 2411 Huntin	Guare
MAILING ADDR: 2411 Hontin	naton in SE
CITY, STATE, ZIP: Decator A	
PHONE: 7/4 -878 -645 (
PROPERTY OWNER: Edgar D	Boy Guare
OWNER ADDR: 2411 Hont	ington In Se
	1. 35401 PHONE: 714 878 6451
ADDRESS FOR APPEAL: 803	7th Street SE Decatur AL 35601
N	ATURE OF APPEAL:
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USE PERMITTED ON APPE	
	DRAWINGS FOR VARIANCS ATTACHED
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DECATUR	College Carrier Wall
402 Lee St NE 1" Floor Council Chamber	Board of Zoning Adjustmen
APPLICANT: Charlotte Dozier	
MAILING ADDR: PD BOX 35)	
CITY, STATE, ZIP: Decatur, AL 356	02.
PHONE: 256-227-9471	
PROPERTY OWNER, V: /Prople	1 Observator
PROPERTY OWNER: Kim (Buck) and	
OWNER ADDR: 137 Russell Rd.	25-221-8084
CITY, STATE, ZIP: Decatur, AL 3510	03 PHONE: 256-227-9471
ADDRESS FOR APPEAL: 135 Russell F	Rd, Decatur, AL 35603
NATURE C	OF APPEAL:
HOME OCCUPATION SETBACK VAR	RIANCE SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES ATTA	ACHED DRAWINGS FOR VARIANCS ATTACHED
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