



Board of Zoning Adjustment

DATE: April 25, 2023

TO: Board of Zoning and Adjustments: Delayne Dean, Chair, Brad Townsend, Chester Ayers, George Allen, Michael Maurer, and Mark McCurry

BOARD OF ZONING ADJUSTMENT

APRIL 25, 2023

Pre-meeting – 3:30 p.m. (Council Chambers)

Meeting – 4:00 p.m. (Council Chambers)

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MARCH 2023 MINUTES

MEMBERS PRESENT: Delayne Dean, Mr. Brad Townson, 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 February 2023 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 Cassandra D. Tatum for a determination as a use permitted on appeal as allowed in Section 25-95 and as defined in Article IV, as amended and adopted, of the Zoning Ordinance in order to operate a Group Day Care Facility operating from 8:00 a.m. to 5:00 p.m. located at 1911 7th St SE. The property is located in a R-3 Single-Family Residential District.

Ms. Cassandra Tatum presented this case to the Board. Ms. Tatum stated her name is Cassandra Tatum and her address is 1911 7th St SE. Ms. Tatum stated she would like to open a home daycare with six children. Chair Dean verified Ms. Tatum's last name she had given her maiden name.

Chair Dean called for questions from the Board.

Mr. Brad Townson verified with Ms. Tatum that she was asking for a daycare that would only include six children or less, Ms. Tatum agreed by stating yes.

Mr. Brad Townson verified the hours of operation to be 8 a.m. to 5 p.m., Ms. Tatum replied yes.

Chair Dean stated to Ms. Tatum that she could operate until 7 p.m. in accordance with the type of daycare, Ms. Tatum understood.

Chair Dean asked if there were any more questions from the Board or comments from the public, there were no comments.

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

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

Mr. Chester Ayers motioned to approve this case as submitted. Mr. Mark McCurry seconded the motion. On a roll-call vote of 5-0 the motion carried.

CASE NO. 2

Application and appeal of Habitat for Humanity of Morgan County for a 1.72 foot front yard setback variance from Section 25-10.3 (2) (d) of the Zoning Ordinance after the initial placement of a porch has encroached into the setback. The property is located at 408 Fairmont Court SW, in a R-5 Single Family Residential District.

Mr. Marlon Morris, representative for Habitat for Humanity presented this case to the Board.

Chair Dean asked Mr. Morris to state his address.

Mr. Morris stated his address was 1123 Central Parkway, Decatur 35601.

Chair Dean asked Mr. Morris to tell the Board what he would like the Board to do for him.

Mr. Morris stated that a 1.72- square foot front-yard setback variance is requested due to a redesign of the house after the house was staked out.

Chair Dean asked for questions from the Board.

Mr. Brad Townson stated the request was understood and there were no questions.

Chair Dean asked for comments from 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. Chester Ayers seconded the motion. On a roll-call vote of 5-0 the motion carried.

CASE NO. 3

Application and appeal of Decatur Family Eye Care, LLC (Jonathan Davis) for a 15 foot setback variance from Section 25-77 (e) (3) in order to place at sign located at 2026 6th Av SE. The property is located in a B-2 General Business District.

Mr. Jonathan Davis presented this case to the Board. Mr. Davis stated his name is Jonathan Davis and his address is 2026 6th Avenue SE, Decatur.

Chair Dean asked Mr. Morris to tell the Board what he would like the Board to do for him.

Mr. Davis stated he was requesting a 15-foot variance on a setback to put a new sign on his property.

Mr. Davis stated that the 15-foot setback would keep him out of the driveway and not in front of another sign.

Chair Dean asked for questions from the Board.

Chair Dean stated it was discussed in the pre-meeting and although the sign will be close to the property line there is still a big right of way for the road.

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

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

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

Mr. Michael Maurer motioned to approve this case as submitted. Mr. Mark McCurry seconded the motion. On a roll-call vote of 5-0 the motion carried.

CASE NO. 4

Application and appeal of Michael A. Burnett II or Kristin H. Burnett for a 20 foot rear yard setback variance from Section 25-10.8 (2) (d) in order to extend the house toward the rear lot line. The property is located at 2307 Horsetree Place SE in a R-1 Single-Family Residential District.

Mr. Peyton Morris, Morris Development, presented this case to the Board.

Mr. Morris stated he was representing the Michael and Kristin Burnett.

Mr. Morris stated his address is 5519 Indian Hills Rd SE.

Mr. Morris stated the request is for a 20-foot rear yard setback variance in order to add a covered porch.

Mr. Morris stated the house had storm damage and a wing of the house needed demolished.

Mr. Morris stated the build back design is 10 feet further from the property line and the Burnett's would like to extend out with a 22 foot covered porch, which will put the build 12 feet into the setbacks.

Mr. Morris stated there has not been any surveys completed at this time.

Mr. Morris stated the request is for more space than needed in case the property lines are not exactly where believed to be.

Mr. Morris stated the house when originally built was positioned 30-feet off the road than need be so the Burnett's do not have much space to extend in the back yard.

Chair Dean stated she understood that the refuge was located behind the property and never developed, Mr. Morris agreed.

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

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

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

Mrs. Ruth Priest, Asst. City Attorney, asked Mr. Morris to sign the application showing he was the representative for the Burnett's. Mr. Morris signed the application.

Mr. Brad Townson motioned to approve this case as submitted. Mr. Michael Maurer seconded the motion. On a roll-call vote of 5-0 the motion carried.

CASE NO. 5

Application and appeal of Encore Rehabilitation, Inc. for a 72 square foot area variance from Section 25-77 (c)(3) and a 25 foot setback variance from Section 25-78 in order to install a sign located at 251 Johnston St SE. The property is located in a B-5 Central Business District.

Mr. Jonathan Henderson presented this case to the Board.

Mr. Henderson was representing Encore Rehab located at 251 Johnston St. SE.

Mr. Henderson stated he was requesting a setback variance to install a sign.

Chair Dean asked Mr. Henderson if a survey was completed. Mr. Henderson stated a survey was not been done yet.

Chair Dean explained to Mr. Henderson that to understand the request a survey showing the property lines was needed.

Chair Dean explained to Mr. Henderson that if the Board votes on the request a decision had to be made.

Chair Dean advised Mr. Henderson the Board feels as though there is not enough information to discuss the request.

Chair Dean advised Mr. Henderson if the Board were to discuss the request a decision would be made either yes or no and she personally recommended the request be tabled until next month and get a survey, Mr. Henderson agreed.

Chair Dean explained to Mr. Henderson if voted on today and denied the application process would start all over again.

Mr. Henderson agreed and requested to table the request until the April 25th 2023 meeting.

Mr. Brad Townson motion to table the request until April. Mr. Mark McCurry seconded the motion.

On a roll-call vote of 5-0 the motion carried.

New Business:

Chair Dean announced starting in April the pre-meeting will take place in the council chamber no longer upstairs on the 4th floor and the pre-meeting will not be streamed. The pre-meeting will begin at 3:30 unless otherwise noted.

Mr. Mark McCurry motioned to move the pre-meeting location to the Council Chambers and Mr. Brad Towson seconded the motion. On a roll-call vote of 5-0 the motion carried.

Meeting adjourned at 3:16 p.m.

De Layne Dean, Chair

AGENDA

April 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, April 25, 2023 at 4:00 p.m. And, also broadcast live on City of Decatur You Tube Channel at <https://www.youtube.com/c/CityofDecaturAI> 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 S & S Liquor for a 9 inch height variance from Section 25-77 (e) (3) in order to install a sign located at 1315 6th Av SE. The property is located in a R-D Redevelopment District.



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: S&S LIQUOR Singi Reddy
 MAILING ADDR: 1315 6th Ave. SE
 CITY, STATE, ZIP: DECATUR, AL 35601
 PHONE: ~~35601~~ 256 466 6464

PROPERTY OWNER: D&P DAVIS LLC D P DAVIS LLC
 OWNER ADDR: 1818 Woodmont Dr SE
 CITY, STATE, ZIP: Decatur AL 35601 PHONE: 256355 0755

ADDRESS FOR APPEAL: 1315 6th Ave SE

NATURE OF APPEAL:

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

*****Applicants or Duly Appointed Representative MUST be present in order

For the case to be heard*****

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

The existing Pylon sign was installed exceeding 22' height by 9" in Oct. 2005

The pylon sign is 10'x12', 120ft, we are re-lettering existing faces

Applicant Name (print) <u>Michael Rogers</u>	If applicant is using a	Office Use Received By: <u>MR</u>
Signature <u>[Signature]</u>	representative for the	Zone _____
Representative Name (print) <u>Michael Rogers</u>	request both signatures	Hearing Date <u>4/25/23</u>
Signature <u>[Signature]</u>	are required	Approved/Disapproved _____
Date <u>4/6/23</u>		

CASE NO. 1 1315 6TH AVE SE



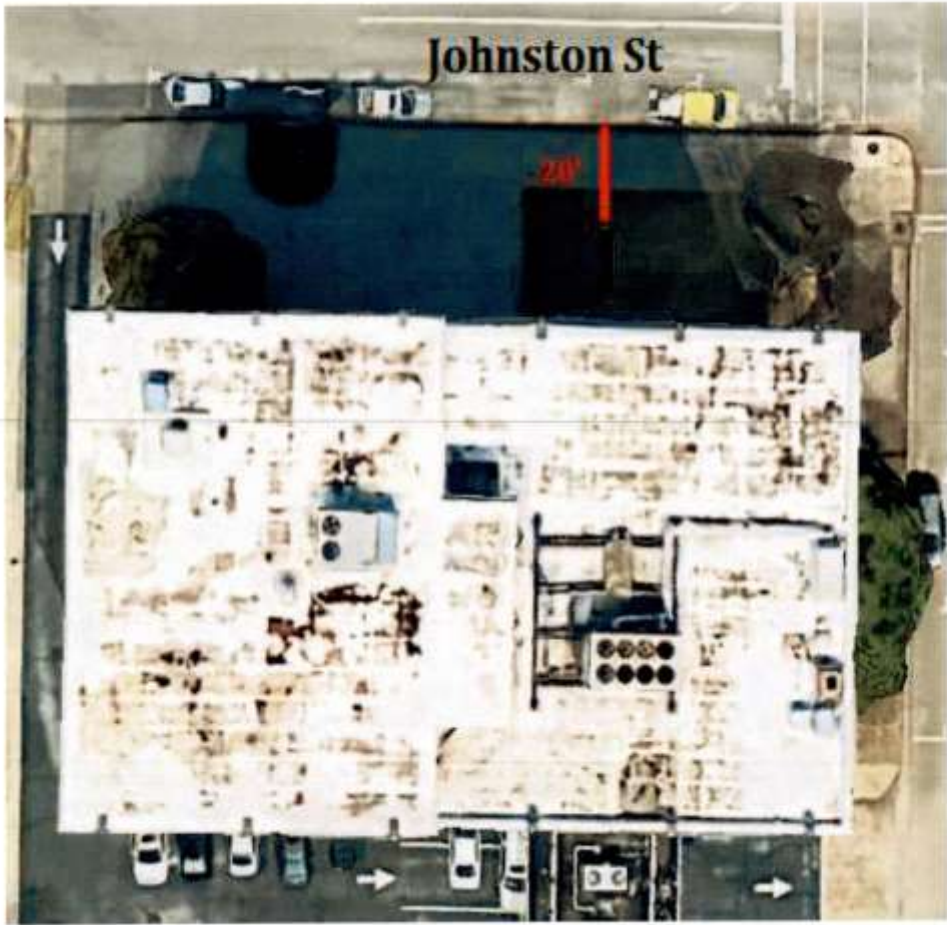
PICTURE



PICTURE



PICTURE



PICTURE



Sign Permit

Job Site Address: 1315 6th Ave. SE Paula Prestwood

Applicant Name: Michael ROGERS Property Owner

Address: 19779 Hsv. Browns Ferry Rd Email: michael@mrsignco.com

City, State, Zip: TAMMER, AL. 35611 Phone#: 256 758 3405

Company Name: Michael Rogers Sign Co. Owner Contractor Yes No

***** Attached and Detached signs are separate permits but this form can be used for both*****

Application to (circle): Erect New Change Faces Maintenance Altering

1. ATTACHED SIGN TYPES (circle all that apply): Wall Roof Marquee Awning Projecting (this sign type requires DRA approval in B-5)

2. Number of signs: 2

3. List total square footage of each sign and dimensions: Total Square Footage of all signs: 96
List all signs that are to remain and new signage:

1.	4x16	64 sq ft
2.	4x8	32 sq ft
3.		
4.		
5.		
6.		

4. Height of building that signage is or will be attached: 13'

5. Distance sign will extend above roofline: 0

6. List the total linear footage of building frontage: 40

7. Distance Marquee or Awning will extend from wall face: _____

8. Have plans for Awning been submitted to Building Dept. (circle): yes no

9. Will this sign be an LED type sign? (circle) yes no

Project Cost 2100.00

1. DETACHED SIGN TYPES (circle all that apply): Business Center Single business Directional Billboard

2. Number of signs _____

3. List all signs that are to remain and new signage:
Total sign height: Total Square Footage: Setback from property lines: Distance from other signs on lot:

1.	22' 8"	120	20'	0' N/A
2.				
3.				
4.				
5.				

4. List the total linear road frontage (in feet) that the signs are or will be located: _____

5. Will this be a LED type sign? (circle) no

Project Cost 2700.00

APPLICATION DISAPPROVED

DATE: 4/5/23

P. Sims

Rele Sign Non-Conforming

*ALL NEW AND NONCONFORMING SIGNS REQUIRE A SURVEY

*ALL NEW AND ALTERED DETACHED SIGNS MUST HAVE AN ENGINEERED STAMPED FOOTING DETAIL OR PROOF OF MEETING WINDLOAD REQUIREMENTS.

* SIGNS THAT DO NOT HAVE EXISTING POWER WILL NEED AN ELECTRICAL PERMIT

*A GRAPHICAL REPRESENTATION OF THE SIGN IS REQUIRED

Failure to obtain necessary inspections and approvals will result in sign permit being void and sign(s) erected pursuant thereto subject to removal*

I hereby certify that I have read and examined this application and know the same to be true and correct. All the provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: [Signature] Date 4/5/23

Permit # _____

Initials _____

Chapter 25 Article III of the Code of Decatur

REJECTED PERMIT