



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

March 26th, 2024

Pre-meeting – 3:30 p.m. (7th Floor)

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

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MINUTES FEBRUARY 2024

MEMBERS PRESENT: Chair Delayne Dean, Mr. Mark McCurry, Mr. Chester Ayers, Mr. Jeremy Goforth, and Mr. Tom Polk

SUPERNUMERARIES: Mrs. Flor Gonzalez

OTHERS PRESENT: Mrs. Ruth Priest, Assistant City Attorney
Mr. Tommie Williams, Planner
Mr. Bob Sims, Building Inspector
Mr. John Waggoner, Building Inspector and 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.

Chair asked that role be called. Present as noted above.

Chair asked if the January minutes required any corrections. There were no corrections made. Mr. Mark McCurry motioned to approve the minutes Mr. Chester Ayers seconded the motion. On a voice vote, all yes, the motion carried. The minutes from the January 2024 meeting were approved.

CASE NO. 1

Application and appeal of Trav-Ad Signs from Section 25-73 (2) for a sign area variance for on premise directional signs for Westmeade Baptist Church located at 2030 Beltline Road SW. This property is designated M-1A Expressway Commercial Zoning District. The variance request for the directional signs is as follows:

- Twenty six (26) square feet area variance to install one (1) thirty (30) square feet directional sign.
- Eight (8) square feet area variance to install six (6) directional signs.

Case No. 7 was advertised in November 2023 with an incorrect address and zoning designation, the case passed with all YES votes. The corrections are reflected in the above Case No. 1.

Chair stated Tom Polk was an employee at the time this case was presented to the Board and must recuse himself from a vote. Chair stated Flor Gonzalez is the supernumerary and will vote in place of Tom Polk.

Chair asked the Board for its ruling. Jeremy Goforth made a motion to vote on the corrected address and zoning for the November 2023 Case No.7. Mark McCurry made a second. Chair called for role. All yes, the motion was approved.

CASE NO. 2

Application and appeal of Slims Chickens from Section 25-77 (e) (1) for a sign area variance of two hundred twenty seven (227) square feet to install a die-cut/metal/non-lighted/wall décor sign located at 1005 Beltline Road SE. The property for the sign area variance is designated M-1A Expressway Commercial Zoning District.

Jessie Barrett presented this case to the Board. Mr. Barrett stated the address for the variance was 1005 Beltline Road SE in the old Milo's building. Mr. Barrett stated the total square footage of the signage is three hundred and twenty (320) square feet. Mr. Barrett stated the bulk of sign area variance request was for signage on the drive through side of the building, it would not be on the street side, and the sign would be die cut metal with no lights. Mr. Barrett stated he is requesting this variance in order for the customer to get the full Slims Chicken experience.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. None. Chair closed call for public testimony. Chair asked the Board for its ruling. Jeremy Goforth made a motion to vote on the sign area variance. Mark McCurry made a second. Chair called for role. All yes, the motion was approved.

CASE NO. 3

Application and appeal of Trav-Ad Signs from Section 25-77 (e) (2) for a sign area variance of one hundred and ten (110) square feet to install attached on premise signs located at 809 Beltline Road SE. The property for the sign area variance is designated M-1A Expressway Commercial Zoning District.

Parks Harris presented this case to the Board. Chair asked Mr. Harris if the variance was for the sign that faces Spring Avenue. Mr. Harris stated yes. Mr. Harris stated the previous tenant had signs with a square footage of one hundred and twenty seven (127) square feet. Mr. Harris stated they are asking for a total of two hundred and twenty nine (229) square feet. Mr. Harris stated the sign area variance is for one hundred and two (102) square feet. Chair stated the square footage cannot exceed one hundred and nine point three (109.3) square feet.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. None. Chair closed call for public testimony. Chair asked the Board for its ruling. Jeremy Goforth made a motion to vote on the sign area variance. Chester Ayers made a second. Chair called for role. All yes, the motion was approved.

CASE NO. 4

Application and appeal of an administrative decision to deny Calvin Washington a certificate of occupancy for non-compliance of Section 25-11 and 25-16 (2) (b) of the Zoning Ordinance in order to provide 88 spaces of off street/off premise parking for an event center located at 211 West Moulton Street SW. Property for the event center is zoned B-1 Business District.

Application and appeal of Calvin Washington from section 25-16 (9) for a landscaping and lighting variance to provide parking for an event center located at 211 West Moulton Street SW. The proposed parking area is located at 212 1st Avenue SW and is designated M-2 General Industry Zoning District.

Chair stated Tom Polk was an employee at the time when the original application was denied and must recuse himself from a vote. Chair Stated Flor Gonzalez will vote in place of Tom Polk. Chair stated the Board will vote for the off-site parking first, and if successful, the Board will vote on the landscaping and lighting variance request. Nathan Tomberlin presented this case to the Board. Mr. Tomberlin stated his address is 310 8th Avenue SE Decatur, Alabama 35603 and is representing Calvin Washington. Mr. Tomberlin stated the reason for the variance request is due to the physical impossibility to achieve the requirement for on-site parking. Mr. Tomberlin stated this case was presented last month and tabled in order to obtain a lease agreement for off-site parking. Chair asked if the lease agreement was for a site with legitimate parking. Mr. Tomberlin stated yes. Mr. Tomberlin stated the off-site parking was a better option and was out of the floodplain.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. None. Chair closed call for public testimony. Chair asked the Board for its ruling. Chester Ayers made a motion to vote on the off-site parking with condition to renew lease after its expiration. Bob Sims amended the condition to include a requirement for the owner to maintain parking for the event center at all times. Jeremy Goforth made a second. Chair called for role. All yes, the motion was approved.

Chair asked if the second part of this variance is for the landscaping and lighting requirements. Mr. Tomberlin stated yes. Mr. Tomberlin stated we are requesting no landscaping or lighting simply because this will be temporary overflow for Mr. Washington's business and he will be providing transportation from the parking lot to the business.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. Tommie Williams stated that this being an existing parking lot, the Planning Department is in agreeance for the variance of no landscaping and lighting. Chair closed call for public testimony. Chair asked the Board for its ruling. Mark McCurry made a motion to vote on the variance for landscaping and lighting. Chester Ayers made a second. Chair called for role. All yes, the motion was approved.

CASE NO. 5

Application and appeal of Texas Roadhouse from section 25-77 (e) for a sign area variance of ninety (90) square feet to install attached LED lighted signs located at 1006 Beltline Road SE. The property for the sign area variance is designated M-1A Expressway Commercial Zoning District.

Parks Harris presented this case to the Board. Mr. Harris stated his address is 2814 Dorchester Drive SE Decatur 35601 and is representing Texas Road House. Mr. Harris stated Texas Road

House would like to upgrade the existing signs with exactly the same sign square footage they currently have. Mr. Harris stated that the current sign square footage exceeds what is allowed. Chair asked if they had a variance before. Bob Sims stated no. Bob Sims stated the previous sign company must have calculated the sign square footage incorrectly. Bob Sims stated when calculated correctly they will need an additional 90 square feet. Chair asked if they were increasing the square footage of the current signs. Mr. Harris stated no. Chair asked if they are replacing what is currently there. Mr. Harris stated yes we are removing what is there and replacing with exactly the same size.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. None. Chair closed call for public testimony. Chair asked the Board for its ruling. Jeremy Goforth made a motion to vote on the sign area variance. Mark McCurry made a second. Chair called for role. All yes, the motion was approved.

CASE NO. 6

Application and appeal of an administrative decision to deny AAA Pawn Shop a certificate of occupancy for non-compliance of Section 25-12 of the Zoning Ordinance to operate a business licensed under the Pawn Shop Act located at 1520 A West Moulton Street. AAA Pawn Shop is requesting a variance from 25-12 to move the business to an adjacent suite in the same building. The property for the pawn shop is designated M-1 Light Industry Zoning District.

Randy Campbell presented this case to the Board. Mr. Campbell stated he is the owner of AAA Pawn and his address is 1520 West Moulton Street Decatur, Alabama 35601. Mr. Campbell stated the owner wants to combine his suite and another for a future sign shop. Mr. Campbell stated he would be required to move to an adjacent suite located in the same building. Mr. Campbell stated the pawn shop has been in the building since the mid 80's and that he bought it in 2009. Chair stated the hardship is this was not your choice to move. Mr. Campbell stated it was not his choice to move and it helps the owner get a new business for Decatur. Chair stated this is not adding a new pawn shop in Decatur.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. Tommie Williams stated the business is located in an M-1 Light Industry district and the use is strictly prohibited. Chair closed call for public testimony. Chair asked the Board for its ruling. Mark McCurry made a motion to vote on the appeal of an administrative decision. Tom Polk made a second. Chair called for role. All yes, the motion was approved.

Meeting adjourned at 4:23p.m.

Delayne Dean, Chair

AGENDA

CASE NO. 1

Application and appeal of Larissa Abbott from section 25-10.8 (2) (e) for a ten (10) foot side yard set-back variance to construct a carport located at 2823 Hunterwood Drive SE. The property for the side yard set-back variance is designated R-1 Residential District.

CASE NO. 2

Application and appeal of Danny Hill for relief from an administrative decision to deny a building permit and a variance from Section 25-2 (1) to construct a detached garage in the side yard located at 2715 Applewood Circle SE. The property for the variance is designated R-2 Residential District.

CASE NO. 3

Application and appeal of Caroline Scott for a use permitted on appeal from Section 25-95 (a) (1) for a Home Day Care located at 1611 6th Avenue SW. The property for the appeal is designated R-1 Residential District.



1

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Larissa Abbott
MAILING ADDR: 2823 Hunterwood Dr SE
CITY, STATE, ZIP: Decatur AL 35603
PHONE: 256/706-0886

PROPERTY OWNER: Larissa Abbott
OWNER ADDR: 2823 Hunterwood Dr SE
CITY, STATE, ZIP: Decatur, AL 35603 PHONE: 256/706/0886

ADDRESS FOR APPEAL: 2823 Hunterwood Dr SE 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)

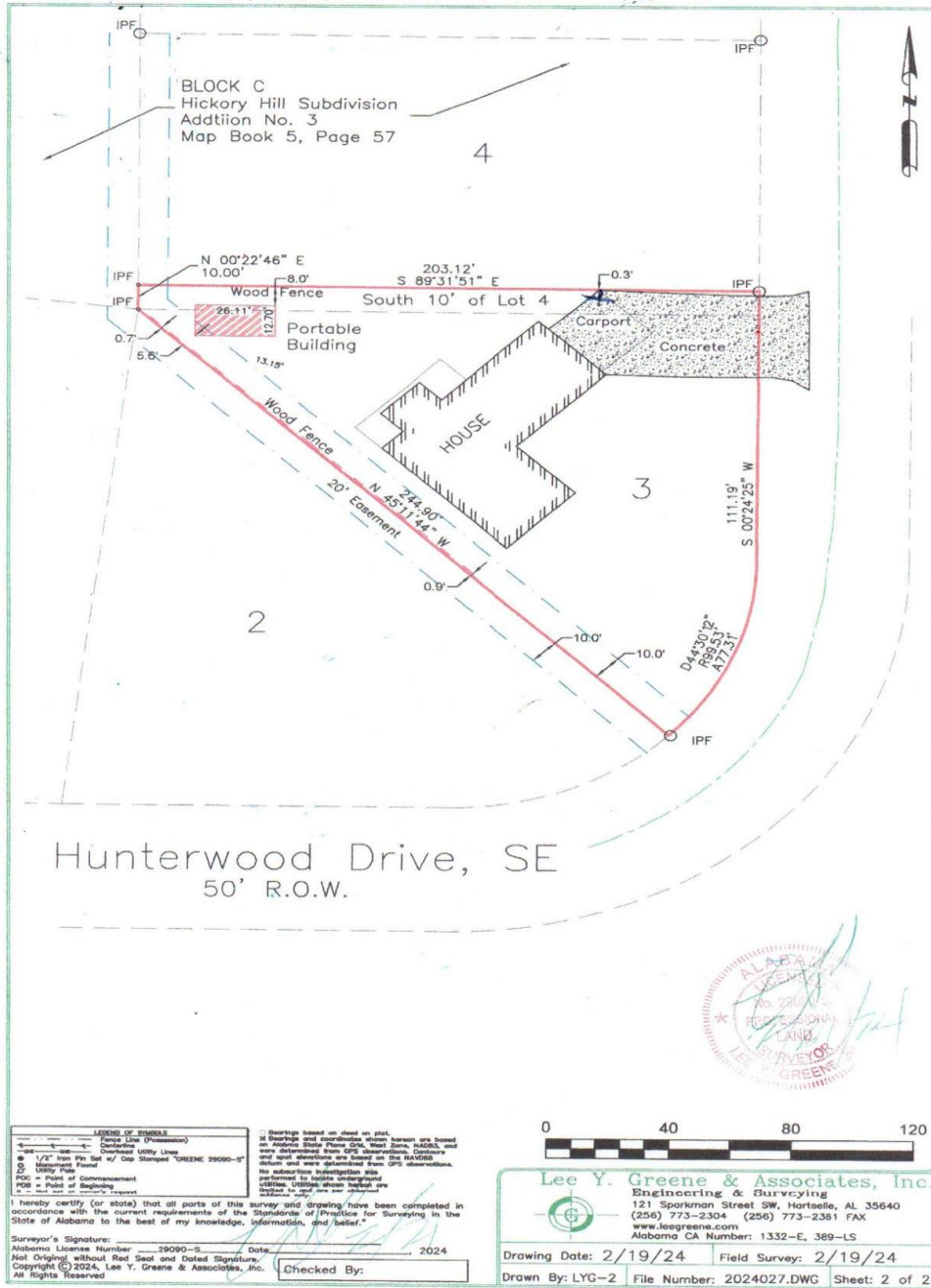
Asking for a 10ft variance setback on carport on
sideyard. Cutting down carport back 5 ft of
South side front yard.

Applicant Name (print) Larissa Abbott
Signature Larissa Abbott
Representative Name (print) _____
Signature _____
Date _____

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

Office Use Received By: [Signature]
Zone R-1
Hearing Date 3/26/24
Approved/Disapproved _____

CASE NO. 1 2823 HUNTERWOOD DRIVE SE



Survey 1

STATE OF ALABAMA)
MORGAN COUNTY)

I, Lee Y. Greene, Jr., a Registered Professional Engineer and Land Surveyor of Hartselle, Alabama hereby certify to **Blake M. & Kathryn L. Abbott**, that this survey has been completed in accordance with the requirements of the Standards of Practice of Land Surveying in the State of Alabama, and that the foregoing is a true and correct plat or map of the following real estate, to-wit:

Source: Morgan County, Alabama Probate records, Deed 2022, Page 7787

Lot 3, Block C, Hickory Hill Subdivision Addition No. 3, as shown by map or plat of said subdivision on file and of record in the Office of the Judge of Probate of Morgan County, Alabama, in Map Book 5 at Page 57,

AND

The southern ten (10) feet of Lot 4, Block C, Hickory Hill Subdivision Addition No. 3, as shown by map or plat of said subdivision on file and of record in the Office of the Judge of Probate of Morgan County, Alabama, in Map Book 5 at Page 57

I further certify that there are no encroachments by buildings on the adjoining property; and that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface of the ground; there are no electric or telephone wires (excluding wire which serves the premises only) or structures of supports thereof including poles, anchors, and guy wires on or over said premises, **except as shown**.

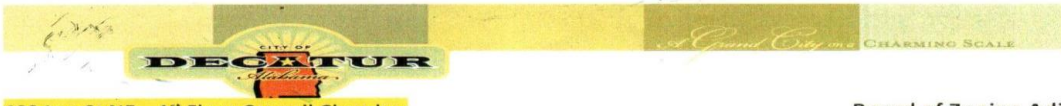
Subsurface and environmental conditions were not surveyed or examined or considered as part of the survey. No evidence or statement is made concerning the existence of underground or overhead conditions, containers, facilities, or any historical or cultural resources that may affect the use or development of this property. The professional surveyor has made no investigation of independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility existing on site, whether private, municipal, or public owned.

According to my survey this the 21st day of February, 2024 and of the Independence of the United States of America, the 247th year.

Lee Y. Greene, Jr. PE/PLS
Alabama Reg. No. 29090-S



#02



402 Lee St NE 1st Floor Council Chamber Board of Zoning Adjustment

APPLICANT: Danny Hill
MAILING ADDR: P.O. Box 1358
CITY, STATE, ZIP: Decatur, AZ 35602
PHONE: 256-227-2323

PROPERTY OWNER: Jeff Layton
OWNER ADDR: 2715 Applewood Dr
CITY, STATE, ZIP: Decatur, AZ 35601 PHONE: 256-227-2234

ADDRESS FOR APPEAL: 2715 Applewood Cr.

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

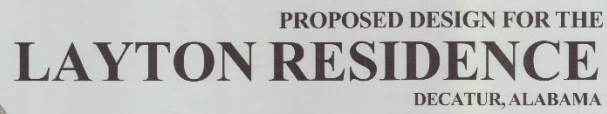
For the case to be heard*****

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

Variance to place Accessory structure in side YARD.
Hardship - NO Large Rear Yard, Elevation do not allow structure

| | | |
|---|---|--|
| Applicant Name (print) <u>Danny Hill</u> | If applicant is using a representative for the request both signatures are required | Office Use Received By: <u>[Signature]</u> |
| Signature <u>[Signature]</u> | | Zone <u>R-2</u> |
| Representative Name (print) <u>Danny Hill</u> | | Hearing Date <u>3/26/24</u> |
| Signature <u>[Signature]</u> | | Approved/Disapproved |
| Date <u>3-5-24</u> | | |

CASE NO. 2 2715 APPLEWOOD CIRCLE SE



COMPAGNIE SCOTT WATSON
ARCHITECTS, L.L.C.

LAYTON RESIDENCE
DECATUR, ALABAMA

A0.0

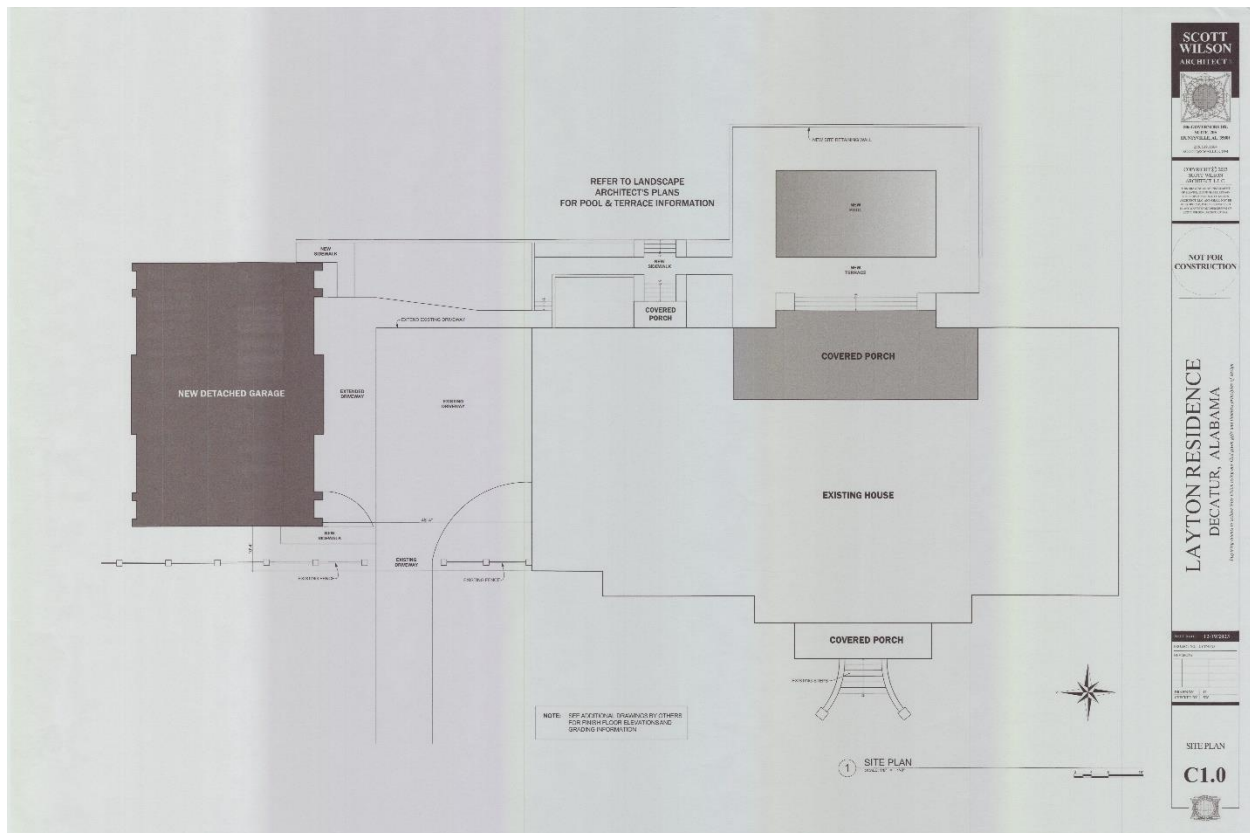
AREA CALCULATIONS

- | AREA | GROSS S. |
|-----------------------------|----------|
| BRICK 11'x12' - 10'x12'x12' | 1,429.52 |
| GARAGE - 14'x10'x12' | |
| TOTAL 1800: | 1,429.52 |

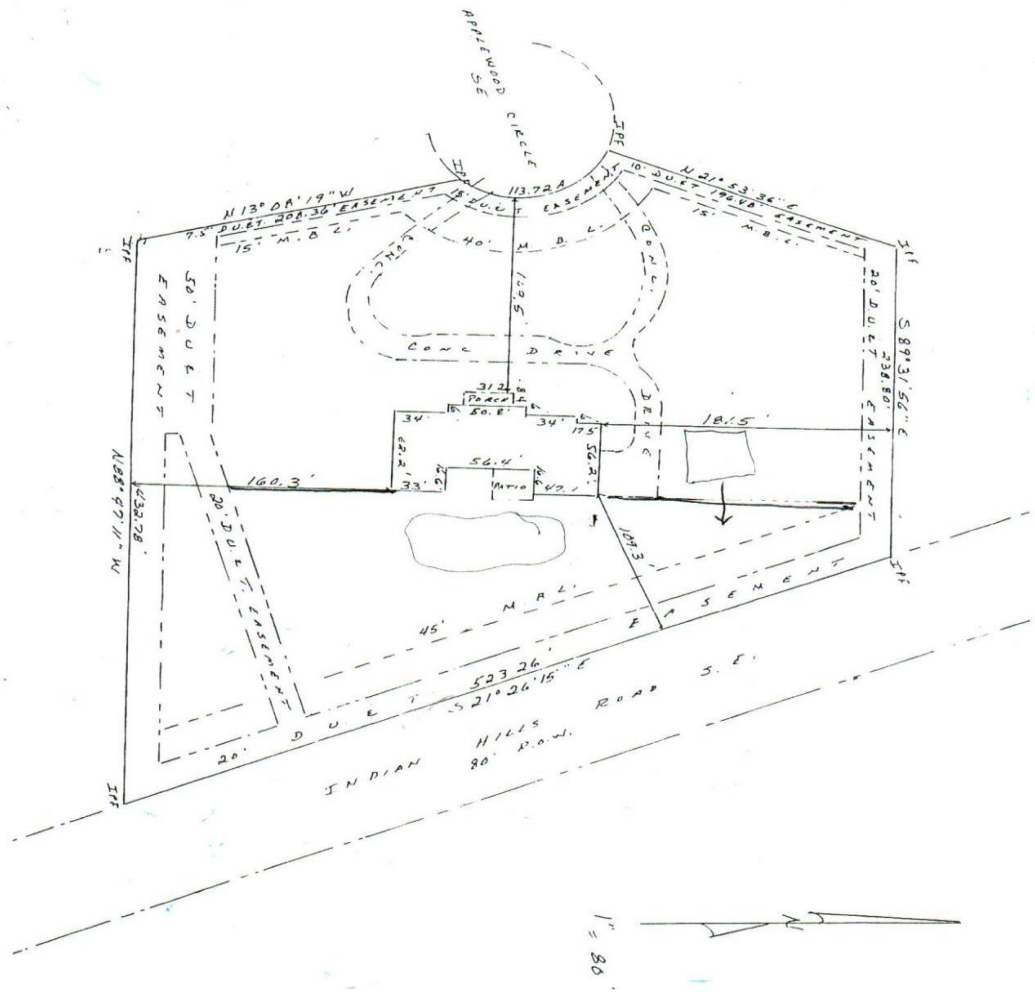
AREA CALCULATIONS

- | AREA | GROSS S.F. |
|-----------------------------|-------------|
| MAN LEVEL - DETACHED GARAGE | 1,000.01 |
| TOTAL UNCONDITIONED | 1,000.01 SF |

[illegible]



Detached Garage Layout



Survey



CITY OF DECATUR
RESIDENTIAL PERMIT APPLICATION

JOB ADDRESS: 2715 Applewood Cr. CONDEMNED/P.M.? ☐ Yes ☐ No

Applicant Name Danny Hill Phone # 256-227-2323
Address P.O. Box 1358 E Mail hillconstruction@bellouth.net
City, State, Zip Decatur, AL 35602
Company Name Hill Construction Co, LLC OWNER CONTRACTOR? ☐ Yes ☐ No

Property Owner Name Jeff Layton Phone # 256-227-2234
Address E Mail
City, State, Zip Decatur, AL 35601

Permit is For: ☐ New House ☐ Addition ☐ Remodel ☐ Repair ☐ Move ☐ Demolish ☐ Accessory Structure
Type of Use: ☐ Single Family ☐ Two Family ☐ Group Home ☐ Multi Family ☐ Other
NEW HOMES: Sewage Disposal: ☒ Public Sewer ☐ Septic System (Requires Copy of Permit)

NOTE: IF YOU CHECKED GROUP, MULTI, OR OTHER, THE ZONING QUESTIONNAIRE MUST ACCOMPANY THIS APPLICATION.

NEW HOMES: Air Leakage: ☐ Visual Inspection Checklist ☐ Testing (Blower Door)

Insulation Material: Walls Foam Attic Foam Crawl

SCOPE OF WORK: Garage

LIST THE INTENDED USE/USES FOR ACCESSORY STRUCTURES AND ADDITIONS.

TOTAL CONTRACT PRICE \$ 248000

OFFICE USE ONLY Special Conditions:
!! Denied!! Structure must be in rear yard. Need Variance

NOTICE
Separate permits are required for electrical, plumbing, mechanical, and fuel gas work. This permit becomes null and void if work or construction authorized is not commenced within six months, construction or work is suspended or abandoned for a period of six months at any time after work is commenced, or Community Development property maintenance and condemned property notices have expired. Connection of utilities must be authorized by the Building Department. Failure to make corrections to substandard construction materials or installations shall result in withholding of utilities.

I hereby certify that I have read and examined this application and know the same to be true and correct. All 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

DATE

| | | |
|-------------------|-----------------|-------------------|
| # of Bedrooms | Code Edition | Construction Type |
| # of Stories | Occupancy Class | Zoning District |
| # of Baths | Flood Hazard | Fuel Sources |
| | X AE A | Elec. Solar Gas |
| Total Square Feet | Approved By: | Date: |
| Total BTU | | |

| | | | |
|------------|---|---|-----------|
| BUILDING | FTG SURV ELEV2 FLRS SLAB MONO STRM GARA SH/FR FIRWL WFP VIC INSU ELEV3 BD SS BF | Permit # | Initials: |
| PLUMBING | PRS RAD1 RAD2 PTO PRNC SEW PF | | |
| ELECTRICAL | POLE ERNS ERN TEMP EF ECHN SERV | | |
| MECHANICAL | MJ MRN DET MF | Community Development Official Notice No. | |
| GAS | GRN CONC GFP GF | | |

Permit Application

#3



**CITY OF DECATUR BOARD OF ZONING ADJUSTMENT
APPLICATION FOR HOME CHILD CARE FACILITY**

| | |
|-----------------|---------------------------------|
| APPLICANT: | Caroline Taylor Scott |
| MAILING ADDR: | 1611 6th Ave Southwest |
| CITY STATE ZIP: | Decatur, Alabama, 35601 |
| PHONE: | (256) 345-0838 - (256) 345-0838 |
| PROPERTY OWNER: | Caroline Taylor Scott |
| OWNER ADDR: | 1611 6th Ave Southwest |
| CITY STATE ZIP: | Decatur, Alabama, 35601 |
| OWNER PHONE: | 256) 345-0838 |

ADDRESS OF APPEAL:

MARK CLASS OF DAY CARE YOU DESIRE: (READ ORDINANCE TO DETERMINE CLASSES)

- ☒ DAY CARE (6 OR LESS) ☐ NIGHTTIME HOME CARE (6 OR LESS)
☐ GROUP DAY CARE (7 TO 12) ☐ GROUP NIGHTTIME CARE (7 TO 12 CHILDREN)

DESCRIBE HOURS OF OPERATION; PARKING ARRANGEMENTS; PLAY AREA and EQUIPMENT; DO YOU HAVE FENCE, DOG, OR POOL.

Hours of operation: 7:00am - 5:30pm

Monday - Friday.

Yes, I have a fence in

backyard. no dog, no pool.

parking: park in front driveway.

| | |
|--|--|
| Caroline Scott APPLICANT SIGNATURE Caroline Scott PRINT NAME DATE: 2/29/2024 | OFFICE USE ONLY REVIEWED BY: HEARING DATE: 3/26/24 ZONING DISTRICT: R-1 APPROVED/DISAPPROVED: _____ |
|--|--|

CASE NO. 3 16611 6TH AVENUE SW