



## **Board of Zoning Adjustment**

### **BOARD OF ZONING ADJUSTMENT**

**April 30<sup>th</sup>, 2024**

**Pre-meeting – 3:30 p.m. (7<sup>th</sup> Floor)**

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

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**MINUTES MARCH 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

Chair Delayne Dean called the meeting to order at 3:55 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 February minutes required any corrections. There were no corrections made. Mr. Tom Polk motioned to approve the minutes Mr. Jeremy Goforth seconded the motion. On a voice vote, all yes, the motion carried. The minutes from the February 2024 meeting were approved.

**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.

Larissa Abbot presented this case to the Board. Mrs. Abbott. Mrs. Abbott stated her address is 2823 Hunterwood Drive SE35603. Mrs. Abbott stated she is requesting a variance for a carport side yard set-back.

Chair asked for questions from the Board. Tom Polk asked if the carport will be moved back. Mrs. Abbott stated yes. Chair asked if there were any more 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 side yard set-back variance. Tom Polk made a second. Chair called for role. All yes, the motion was approved.

**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.

Danny Hill Presented this case to the Board. Mr. Hill stated his address is 3811 Vaughn Bridge Road, Hartselle AL. Mr. Hill stated he is asking for a variance to construct a detached garage in the side yard at 2715 Applewood Circle SE because the topography and other improvements do not allow for the structure to be built in the rear yard. Chair Dean asked if the detached garage would be adjacent to the attached garage. Mr. Hill stated yes, the garages would share the same driveway.

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 side yard detached garage variance. Mark McCurry made a second. Chair called for role. All yes, the motion was approved.

### **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 6<sup>th</sup> Avenue SW. The property for the appeal is designated R-1 Residential District.

Caroline Scott presented this case to the Board. Ms. Scott stated her address is 1611 6<sup>th</sup> Avenue SW Decatur AL. 35601. Ms. Scott stated she would like to open a daycare in her home for six (6) kids or less. Chair stated you may have six (6) kids or less and cannot operate the day care past seven (7) pm.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. Mr. Victor Cutz came forward and stated his address is 1607 6<sup>th</sup> Avenue SW. Mr. Cutz stated he has prepared a statement. Mr. Cutz stated “As a responsible member of the community it is essential to address concerns that impact the wellbeing and safety of our neighborhood. One such concern revolves around the establishment of a home daycare at 1611 6<sup>th</sup> Avenue SW. While the idea of providing child daycare services is commendable, there are significant reasons why this particular location may not be suitable for this endeavor. First and foremost, the density of traffic in our neighborhood is a cause for concern, adding a home daycare would likely exacerbate this issue potentially putting children and pedestrians at risk. The increased flow of vehicles, especially during drop off and pick-up times, could lead to accidents and create a chaotic environment for residences. Furthermore, the noise level associated with a home daycare can disrupt the peace and tranquility of the neighborhood. Children naturally engage in play and recreational activities which also involve loud noises. This constant disturbance can affect the quality of life for nearby residents especially those of whom work from home or require quiet environments for various reasons. Another concern is the potential impact of decreased property values. The presence of a home daycare may detour potential buyers or renters whom prefer quieter residential areas. Additionally, the increased activity and foot traffic could contribute to wear and tear on infrastructure and landscaping of neighboring properties. Moreover, there are zoning regulations and safety standards that must be adhered to when operating a daycare facility. Without proper oversight and compliance there

could be risk to the health and wellbeing of the children under care. It's crucial to insure that any childcare facility meets the necessary requirements to safeguard the children and uphold the standards of our community. In conclusion, while the intention behind establishing a home daycare is admirable, it's essential to consider the potential impacts on the neighborhood itself, from increased traffic and noise levels to concerns about decreased property values and safety standards, there are valid reasons to carefully evaluate the suitability of 1611 6<sup>th</sup> Avenue SW for such an endeavor. As responsible citizens we must provide for the collective welfare of our community and address these concerns thoughtfully and respectfully. Thank You."

Chair asked for questions or comments from the Board. None. Chair asked for any other 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 home daycare. Tom Polk made a second. Chair called for role. All yes, the motion was approved. Chair asked Ms. Scott if she was aware that she must comply with other organizations regulations concerning childcare safety. Ms. Scott stated yes.

Meeting adjourned at 4:06p.m.

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Delayne Dean, Chair

## **AGENDA**

### **CASE NO. 1**

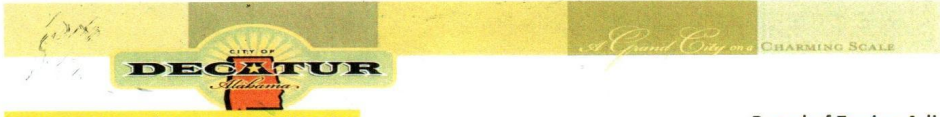
Application and appeal of Consuella Washington from:

- (a) Section 25-14 (c) for a six and five tenths (6.5) feet front yard set-back variance to construct a covered front porch and bay window located at 903 9<sup>th</sup> Avenue SE.
  - (b) Section 25-10.10 (2) (c.) for a fourteen and eight tenths (14.8) feet front yard set-back variance to construct a covered front porch and bay window located at 903 9<sup>th</sup> Avenue SE.
- The property is located in R-3, Residential District.

### **CASE NO. 2**

Application and appeal of Clayton Homes for a use permitted on appeal from Section 25-12.1 and defined in Article I in order to install a manufactured home located at 4616 Joe Davis Drive SW. The property is located in AG-1, Agricultural District.

Case # 1



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: CONSUELLA Washington  
 MAILING ADDR: 210 ALBERT St SW  
 CITY, STATE, ZIP: DECATUR AL 35601  
 PHONE: (256) 642-6207

PROPERTY OWNER: CONSUELLA Washington  
 OWNER ADDR: 903 9th AVE S.E.  
 CITY, STATE, ZIP: DECATUR AL 35601 PHONE: (256) 642-6207

ADDRESS FOR APPEAL: 903 9th AVE S.E.

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\*\*\*\*\*

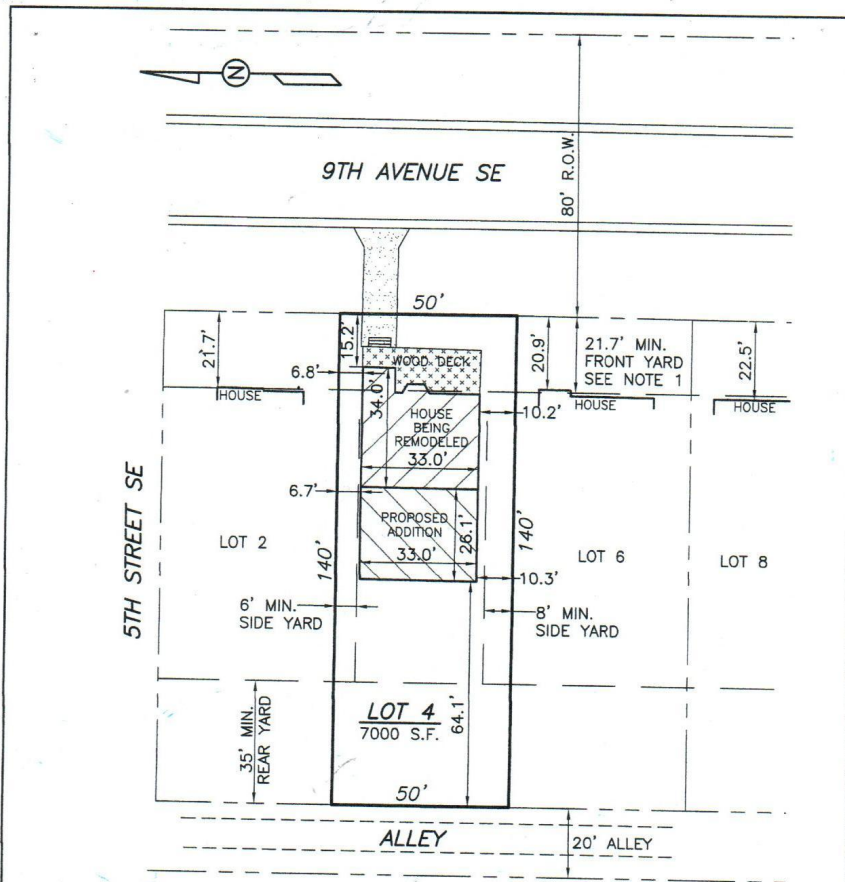
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)

FRONT SET BACKS OF 6.5 FT.  
FRONT SET BACKS OF 14.8 FT.  
TO ADD APNITION TO FRONT PORCH & BAY WINDOW

Applicant Name (print) CONSUELLA Washington If applicant is using a  
 Signature Consuella Washington representative for the  
 Representative Name (print) \_\_\_\_\_ request both signatures  
 Signature \_\_\_\_\_ are required  
 Date \_\_\_\_\_

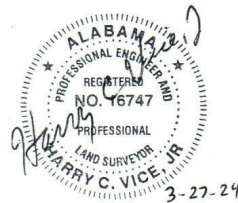
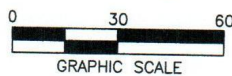
Office Use Received By: CG  
 Zone R-3  
 Hearing Date 4/30/24  
 Approved/Disapproved \_\_\_\_\_

CASE NO. 1 903 9TH AVE SE



**PLOT PLAN**

SCALE: 1" = 30'



**NOTES:**  
 1. THE MINIMUM FRONT YARD IS BASED ON SEC. 25-14 OF THE ZONING ORDINANCE WHICH DEFINES THE MINIMUM FRONT YARD AS THE AVERAGE OF THE FRONT YARDS OF HOUSES WITHIN 100 FT.

I HEREBY CERTIFY THAT I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP FOR MORGAN COUNTY, ALABAMA, MAP NO. 01103C0076F, DATED AUGUST 16, 2018 AND FOUND THE PROPERTY SHOWN ON THIS PLAN TO BE IN ZONE X.

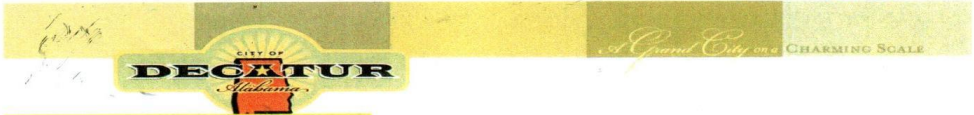
*Harry C. Vice, Jr.*  
 Harry C. Vice, Jr., P.E., P.L.S.  
 Ala. Reg. No. 16747

**BUILDING PERMIT PLOT PLAN  
 FOR LOT 4, BLK. 42-D  
 D.L.I. & F., ADDITION 4  
 903 9TH AVENUE, S.E.  
 DECATUR, ALABAMA**

SCALE: 1" = 30'	PREPARED BY: HARRY C. VICE, JR., P.E., P.L.S. VICE ENGINEERING & SURVEYING 1506 MARKS DRIVE HARTSELLE, ALABAMA 35640 PHONE: 256-612-1501 E-MAIL: hvice@bellsouth.net
PAGE NO: 1 OF 1	
FIELD SVY: 3-27-24 DWG. DATE: 3-27-24	



Case # 2



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Clayton Homes

MAILING ADDR: 3622 Hwy 31 S

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 931-309-9325

PROPERTY OWNER: Dewey Hughes

OWNER ADDR: 4616 Joe Davis Dr

CITY, STATE, ZIP: Decatur, AL 35603 PHONE: 931-309-9325

ADDRESS FOR APPEAL: 4616 Joe Davis Dr.

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)

would like to put a manufactured home on this property  
variance for use <sup>permitted</sup> appeal & install a manufactured home

Applicant Name (print) Clayton Homes / Richard Hill If applicant is using a  
 Signature Rich Hill representative for the  
 Representative Name (print) request both signatures  
 Signature are required  
 Date 4-10-24

Office Use Received By: [Signature]  
 Zone AG-1  
 Hearing Date 4/30/2024  
 Approved/Disapproved

CASE NO. 2 4616 JOE DAVIS DR SW



**BUILDING DEPARTMENT**

DIRECTOR  
P O BOX 488  
DECATUR AL 35602  
256 341-4573

April 27, 2022

Ms. Pearlean Jones  
4705 Joe Davis Dr.  
Decatur, Al 35603

Dear: Ms. Jones

Re: CASE NO. 4

Application and appeal of Pearlean Jones for a use permitted on appeal from Section 25-12.1 and defined in Article VI in order to have a mobile home park located in an AG-1 Agricultural District located at 4705 Joe Davis Drive SE.

This case was APPROVED with the condition that the R-MH Zoning requirements are met.

If results of the Board's hearing is not to your satisfaction, you may appeal your case to the Circuit Court of Morgan County within fifteen (15) days of the hearing date.

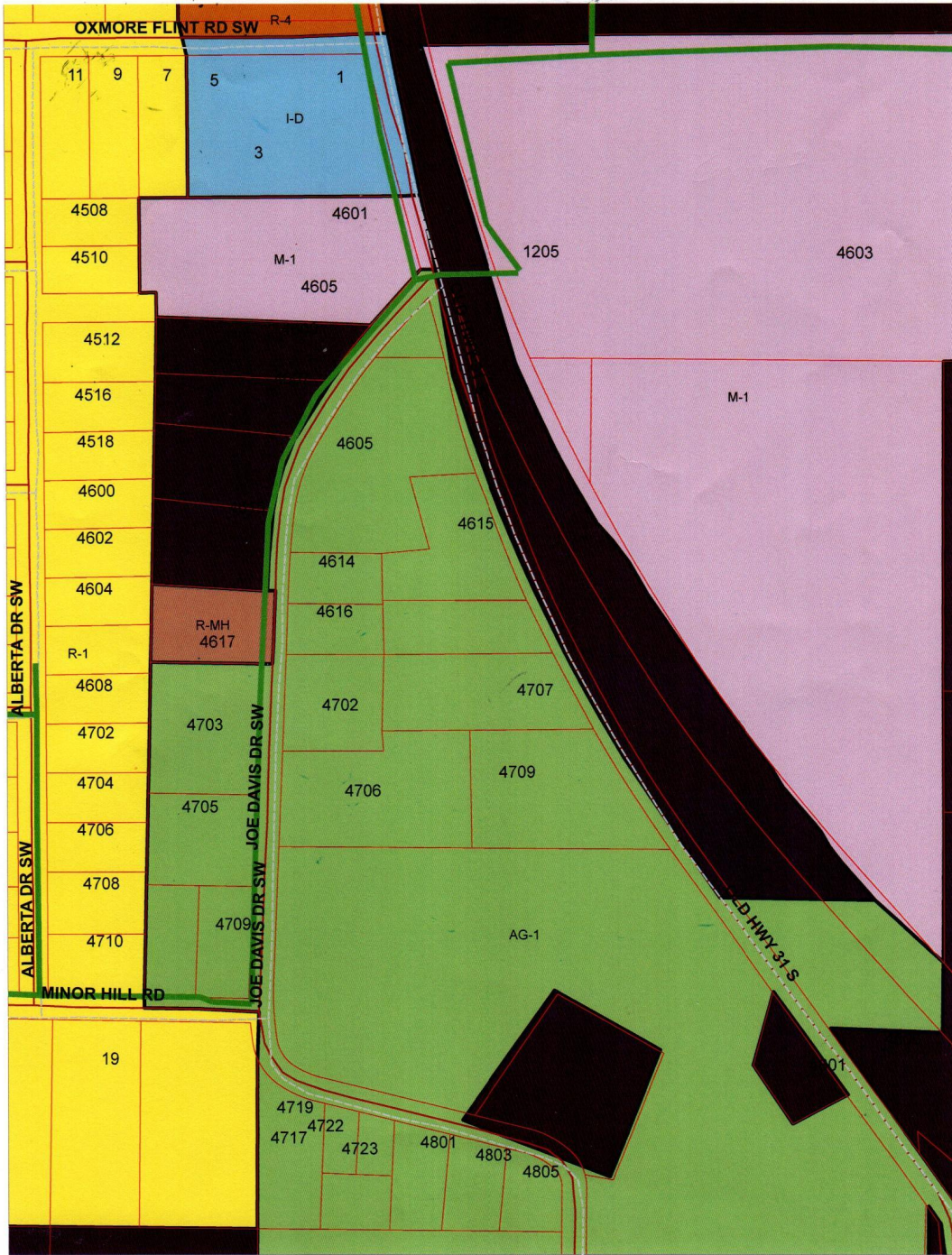
Please contact our office if you have any questions. Our office hours are 8:00 a.m. until 5:00 p.m., Monday through Friday. The phone number is 256-341-4570

Sincerely,

BOARD OF ZONING ADJUSTMENT  
*Robert Sims*

Robert Sims  
Building Inspector

Approval Letter



Property Map