



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

April 29th, 2025

Pre-meeting – 3:30 p.m. (7th Floor)

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

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MARCH MINUTES 2025

MEMBERS PRESENT: Mr. Tom Polk

SUPERNUMERARIES: Mr. Mark Moody, Mrs. Flor Gonzalez, Mrs. Erika Huber

OTHERS PRESENT: Mrs. Ruth Priest, Assistant City Attorney
Mr. John Waggoner Inspector Manager & Recorder
Mr. Tommie Williams Planner

Tom Polk was nominated interim vice chair by unanimous vote to conduct the March meeting. Tom Polk called the meeting to order at 4:05 p.m. in the Council Chambers on the first floor at City Hall.

Tom Polk asked that role be called. Present as noted above.

Tom Polk asked if the February minutes required any corrections. There were no corrections made. Mr. Mark Moody motioned to approve the minutes. Mr. Tom Polk made a second. On a voice vote, all Yes, the motion carried. The minutes from the February 2025 meeting were approved.

CASE NO. 1

Application and appeal of Tacala LLC. for a 13 space parking variance from Section 25-16 (2) (f) to provide 25 parking spaces for a new Taco Bell restaurant. Property is located at 2142 6th Avenue SE in a B-2, General Business District.

Wells Holliday presented this case to the Board. Mr. Holliday stated his name and address as 3750 Corporate Woods Drive Vestavia Hills AL. Mr. Holliday requested a reduction in amount parking spaces required for a new Taco Bell site. Mr. Holliday stated 38 spaces are required under the current ordinance. Mr. Holliday stated they are proposing 25 spaces and the lot is not large enough to provide for more. Mr. Holliday stated the 25 spaces complies with the new proposed ordinance that was anticipated to be adopted by the time of construction.

Mr. Polk asked for questions from the Board. Mr. Polk asked when their due diligence was performed. Mr. Holliday stated this time last year. Mr. Polk asked if the 25 spaces would meet the restaurants operational requirements. Mr. Holliday stated yes, and any additional spaces would not be used. Mr. Polk asked for any other questions from the Board. None. Mr. Polk asked for comments from the Public. Denise Williams stated her name and address as 1401 Fairway Drive Decatur. Mrs. Williams stated their entrances and exits will be located on her street. Mrs. Williams stated that fewer parking spaces would be a benefit to the neighborhood. Mr. Polk asked if she would be in favor of less parking spaces. Mrs. Williams stated yes. Mr. Polk asked for comments

from the Building Department. None. Mr. Polk asked for comments from the Planning Department. Mr. Williams stated this variance is a condition of Planning Commissions site plan approval. Chair closed call for public testimony. Mr. Polk asked the Board for its ruling. Tom Polk made a motion to approve the case as submitted. Mark Moody made a second. Chair called for role. All Yes, the motion was approved.

CASE NO. 2

Application and appeal of Pro Signs Inc. for a 223.26 square feet sign area variance from Section 25-77 (e) (1) to install 8 attached signs for a new Jack's Family Restaurant. Property is located at 3041 Highway 20 in a B-2, General Business District.

Ginger Hickey presented this case to the Board. Mrs. Hickey stated her name and address as 173 Rause Road Sumiton AL. Mrs. Hickey stated they are asking for a variance to install a standard corporate sign package that contains signs and murals. Mrs. Hickey detailed each sign location and size. Mrs. Huber asked if the drive through sign contains Jack's logo. Mrs. Hickey stated yes. Erika Huber asked if there were any signs that can be omitted. Mrs. Hickey stated the sign package is standard and used at 300 stores. Erika Huber asked if this was a franchise requirement for signage. Mrs. Hickey stated yes. Erika Huber asked if anyone has discussed reducing the sign square footage with Jack's. Mrs. Hickey stated they have but other cities do not count the painted murals. Tom Polk asked if they had any particular hardship. Mrs. Hickey stated no.

Tom Polk asked for any other questions from the Board. None. Tom Polk asked for comments from the Public. None. Tom Polk asked for comments from the Building Department. None. Tom Polk asked for comments from the Planning Department. No one present. Tom Polk closed call for public testimony. Tom Polk asked the Board for its ruling. Mark Moody made a motion to approve the case as submitted. Tom Polk made a second. Tom Polk called for role. All Yes, the motion was approved.

CASE NO. 3

Application and appeal of Jesus Delgado for a 9.5 feet front yard setback variance from Section 25-10.9 (2) (c) to construct a covered porch 25.5 feet from the front property line. Property is located at 1308 19th Avenue SW in an R-2, Residential Single Family District.

Jesus Delgado presented this case to the Board. Mr. Delgado stated his name and address 1308 19th Avenue SW. Mr. Delgado stated he would like a variance to build a front porch. Mr. Delgado stated the front porch would protect the front of his house from rain and sun. Mr. Polk asked for questions from the Board. Mark Moody asked if the front door is metal. Mr. Delgado stated the handle of the door is metal. Mr. Delgado stated his electric bill is high in the summer due to the sun exposure. Mark Moody asked if there was a storm door installed over a metal door. Mr. Delgado stated yes. Mark Moody stated the storm door instructions prohibit this installation. Mr. Polk asked if any other options have been considered. Mr. Delgado stated he had been advised a smaller porch might be approved. Tom Polk stated the other homes along the street do not project past the front setback. Erika Huber asked for the distance from the front door to the edge of the sidewalk. Mr. Delgado stated 8 feet. Tom Polk asked Mr. Delgado if would like to proceed or defer

until next month. Mr. Delgado stated yes, it would be better to get the correct measurements and submit pictures. Tom Polk made a motion to table the case for construction plans of the proposed porch. Flor Gonzalez made a second. Tom Polk called for role. All yes, the case was tabled until next month.

Tom Polk asked for any other new business. None.

Meeting adjourned at 4:36 p.m.

Delayne Dean, Chair

AGENDA

CASE NO. 1

Application and appeal of Jesus Delgado for a 9.5 feet front yard set-back variance from Section 25-10.9 (2) (c) to construct a covered porch 25.5 feet from the front property line. Property is located at 1308 19th Avenue SW in an R-2, Residential Single Family District.

CASE NO. 2

Application and appeal of Pro Signs, Inc. for a 215.53 square feet sign area variance from Section 25-77 (e) (1) to install updated corporate signage package for a new Taco Bell restaurant. Property is located at 2142 6th Avenue SE in a B-2, General Business District.

CASE NO. 3

Application and appeal of Ottie Newsom for a variance from Section 25-2 (1) to construct an accessory structure without a main structure for equipment storage. Property is located at the North East corner of the intersections of Baldwin Avenue and Connor Street SE in an R-3, Residential Single Family District.

CASE NO. 4

Application and appeal of Robert Rainey for a 3.78 feet side yard set-back variance from Section 25-10.9 (2) (e) to construct an attached shed 4.22 feet from the side property line. Property is located at 208 Robinson Street SW in an R-2, Residential Single Family District.



Board of Zoning Adjustment

APPLICANT: Jesus A. Delgado
MAILING ADDR: 1308 19th Ave SW
CITY, STATE, ZIP: Decatur, AL 35601
PHONE: (256) 226-1318

PROPERTY OWNER: Jesus A. Delgado
OWNER ADDR: 1308 19th Ave SW
CITY, STATE, ZIP: Decatur, AL 35601 PHONE: (256) 226-1318

ADDRESS FOR APPEAL: 1308 19th Ave 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)

I want to extend the stoop to make a covered porch approx. 10' off the front of my house, and approx. 25' across. This will shade the front door and windows from the hot afternoon sun. The door gets too hot to touch and I'm afraid one of my children will end up getting burned or hurt.

Applicant Name (print) Jesus A. Delgado

Signature [Signature]

Representative Name (print) _____

Signature _____

Date _____

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

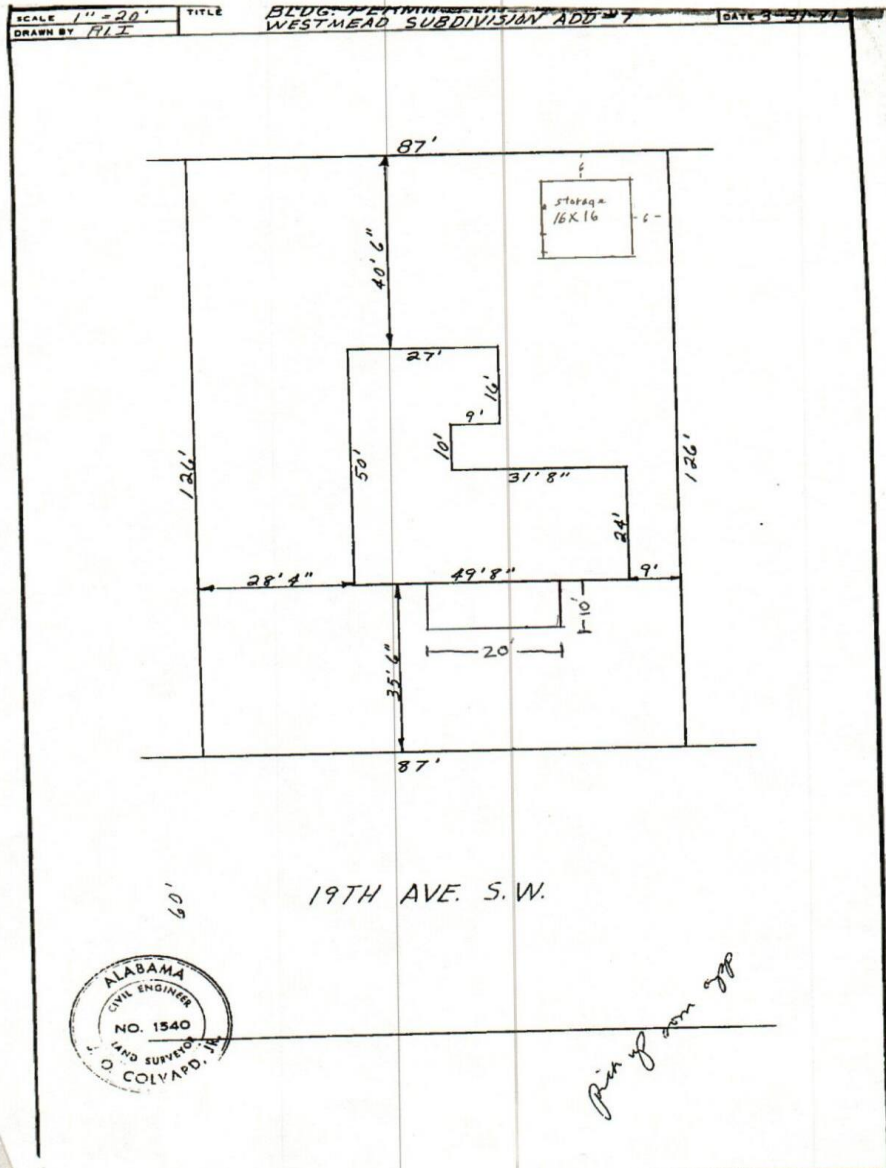
Office Use Received By: [Signature]

Zone R-2

Hearing Date 3/25/25

Approved/Disapproved _____

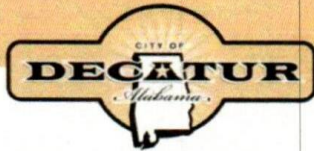
CASE NO. 1 1308 19TH AVENUE SW



Proposed Drawing



GIS Map



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT:	Ginger Hickey / Pro-Signs, Inc.
MAILING ADDR:	173 House Road
CITY STATE ZIP:	Sumiton, AL 35148
PHONE:	(205) 255-6916
PROPERTY OWNER:	Tacala, LLC.
OWNER ADDR:	3750 Corporate Woods DR
CITY STATE ZIP:	Vestavia Hills, AL 35242
OWNER PHONE:	(205) 283-7413

ADDRESS FOR APPEAL:	Taco Bell 2142 6 th AVE SE Decatur, AL
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<input type="checkbox"/> HOME OCCUPATION		<input type="checkbox"/> SETBACK VARIANCE		<input checked="" type="checkbox"/> SIGN VARIANCE	
<input type="checkbox"/> USE PERMITTED ON APPEAL		<input type="checkbox"/> APPEAL OF ADMINISTRATIVE DECISION			
<input type="checkbox"/> OTHER		<input type="checkbox"/> SURVEY FOR VARIANCES ATTACHED		<input type="checkbox"/> 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.)

Taco Bell moving down from current location on 6th AVE.
Updating Signage to Corporate Standards. building Sign package including Art panels total 315.53 SF. Art panels are 200 SF alone. Asking for variance of 215.53 SF.

Applicant Name(print)	Ginger Hickey
Signature	<i>Ginger Hickey</i>
Representative Name(print)	Same
Signature	
Date	4/9/25

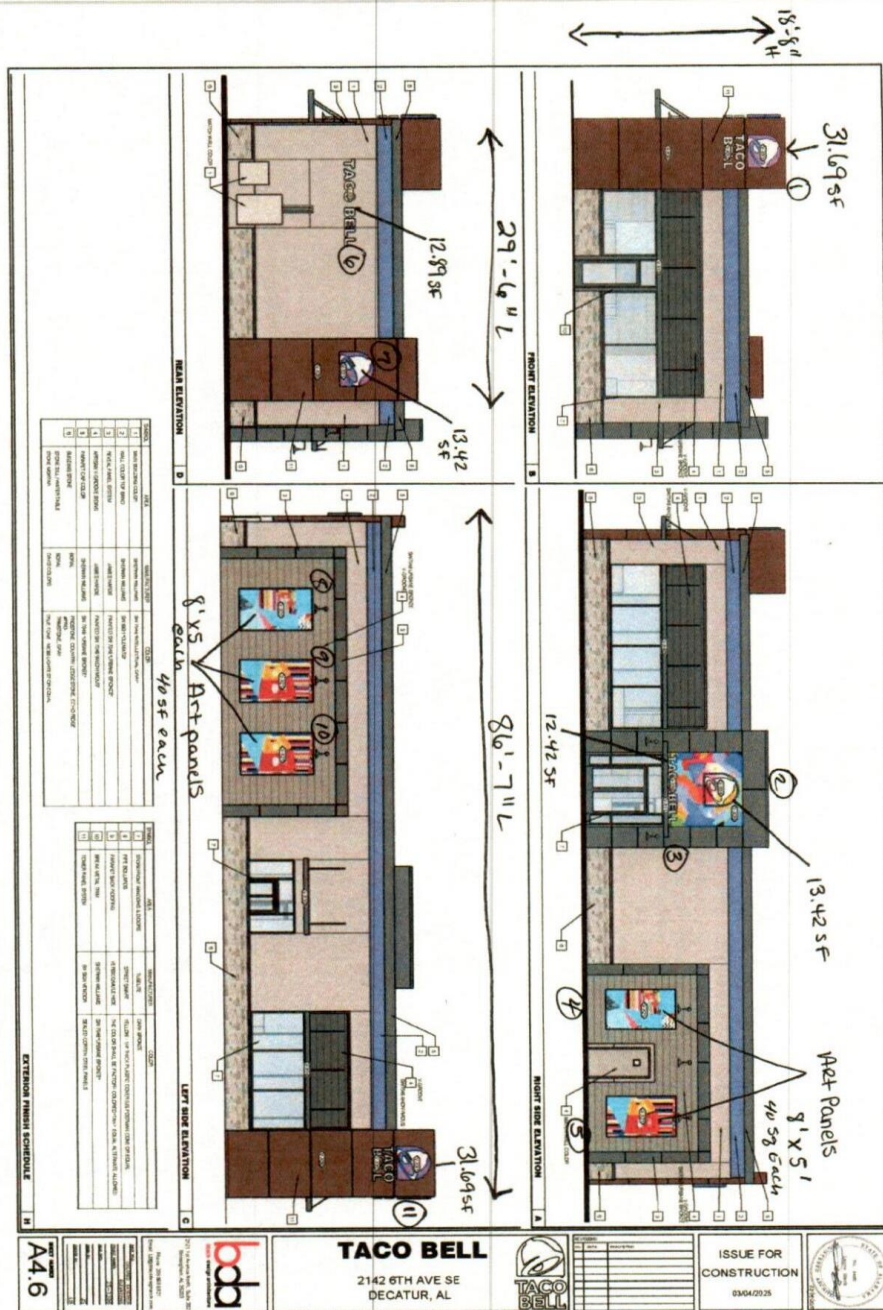
If applicant is using a representative for the request both signatures are required.

Office Use	
Received By	<i>[Signature]</i>
Zone	B-2
Hearing Date	4/29/25
Approved/Disapproved	

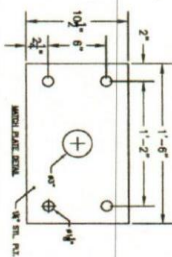
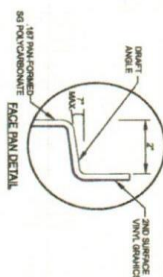
The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month.

CASE NO. 2 2142 6TH AVENUE SE

315.53



Attached Sign Plan

[illegible]

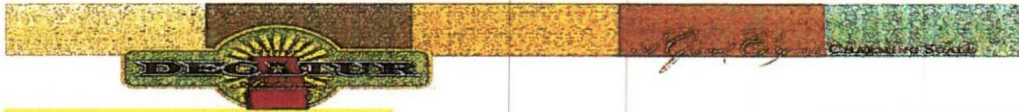
GRAPHIC & COLOR SPECIFICATIONS			
●	PAINTS	3M VINYL	PAINT
●	Dark Purple	PMS 2805C	3M 800-4327
●	Light Purple	PMS 2677C	3M 800-5141
●	Black	Process Black	
●	White	Process White	3M 800-25
●	25 Brown Tiger	Cytec 6490200 CM	5847-23
●	Stainless Bronze	Cytec 2850000	Stainless BRONZE
●	Universal Bronze		5870-04

TACO BELL

DRAWING NO.: 1472453887.00

DATE: 8/2/2004

S. HANSEN



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: MR. OTTIE NEWSOM
MAILING ADDR: 1205 MILL STREET
CITY, STATE, ZIP: DECATUR, AL 35603
PHONE: 256-654-7351

PROPERTY OWNER: FLINT CHURCH OF CHRIST
OWNER ADDR: 1205 MILL STREET
CITY, STATE, ZIP: DECATUR, AL 35603 PHONE: 256-355-7439

ADDRESS FOR APPEAL: NE corner of intersections of Baldwin Ave + Connor St

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)

SEE ATTACHED APPEAL LETTER

Applicant Name (print) Ottie Newsom
Signature Ottie Newsom
Representative Name (print) PUGH WRIGHT McANALLY, INC
Signature Galya Ferguson (Galya Ferguson)
Date 3-31-2025

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

Office Use Received By: _____
Zone R-3
Hearing Date 4/29/25
Approved Disapproved _____

CASE NO. 3 1205 MILL STREET SE

March 31st, 2025

City of Decatur
Board of Zoning Adjustment
402 Lee Street NE
Decatur, Alabama 35601

RE: Board of Zoning Adjustment Appeal - Flint Church of Christ
1205 Mill Street
Decatur, AL 35603

Flint Church of Christ respectfully submits this appeal requesting approval to place an accessory structure on church-owned property located in an R-3 (Residential) zoning district. The proposed structure is a 25' x 24' prefabricated metal building intended for storage of lawn care equipment and other maintenance-related items.

The unique condition prompting this appeal stems from the fact that the parcel where the accessory structure is proposed is physically separated from the main Church building by Chunn Street. While the Church sanctuary and main building sit on one side of Chunn Street, the Church also owns the adjacent parcel on the opposite side of the street where the accessory structure is proposed. Under the current zoning ordinance, accessory structures are typically only permitted on the same lot as the principal structure. However, in this case, both parcels are clearly part of the Church's property and are used in conjunction with its operations, despite the technical separation by a public right-of-way.

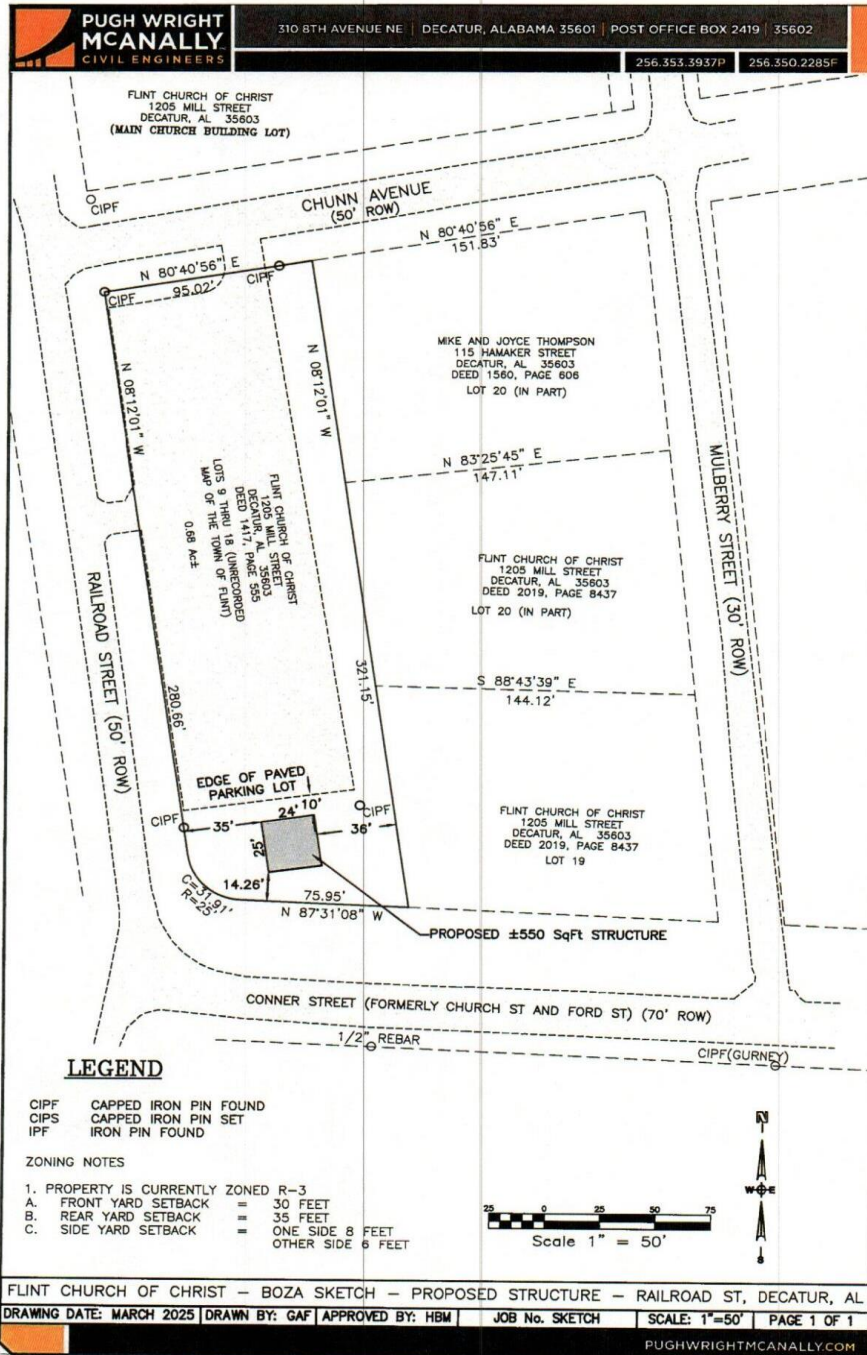
Flint Church of Christ owns all the property fronting both the North and South sides of Chunn Street up to the intersection of Mulberry Road on the East and Pisgah Road (also referred to as Railroad Street) on the West, with the exception of one unoccupied and largely abandoned house. The only alternative to placing an accessory structure on a separate lot would be to initiate a vacation of this portion of Chunn Street, an action that is not desired by the City of Decatur.

The Church's request seeks to address a functional need for equipment storage, while maintaining the integrity of the neighborhood and complying with the spirit of the zoning ordinance. The requested accessory structure will not negatively impact surrounding properties and will be used solely for Church-related storage purposes.

Sincerely,



Blake McAnally, PE, President
Pugh Wright McAnally, Inc



Survey





402 Lee St NE 1st Floor, Council Chamber

Board of Zoning Adjustment

APPLICANT: ROBERT RAINY
MAILING ADDR: 208 Robinson Street SW
CITY, STATE, ZIP: Decatur, AL, 35601
PHONE: 708-724-8300

PROPERTY OWNER: Robert Rainey
OWNER ADDR: 1561 River Bend Place SE
CITY, STATE, ZIP: Decatur, AL, 35601 PHONE: 708-724-8300

ADDRESS FOR APPEAL: 208 Robinson St. SW. 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

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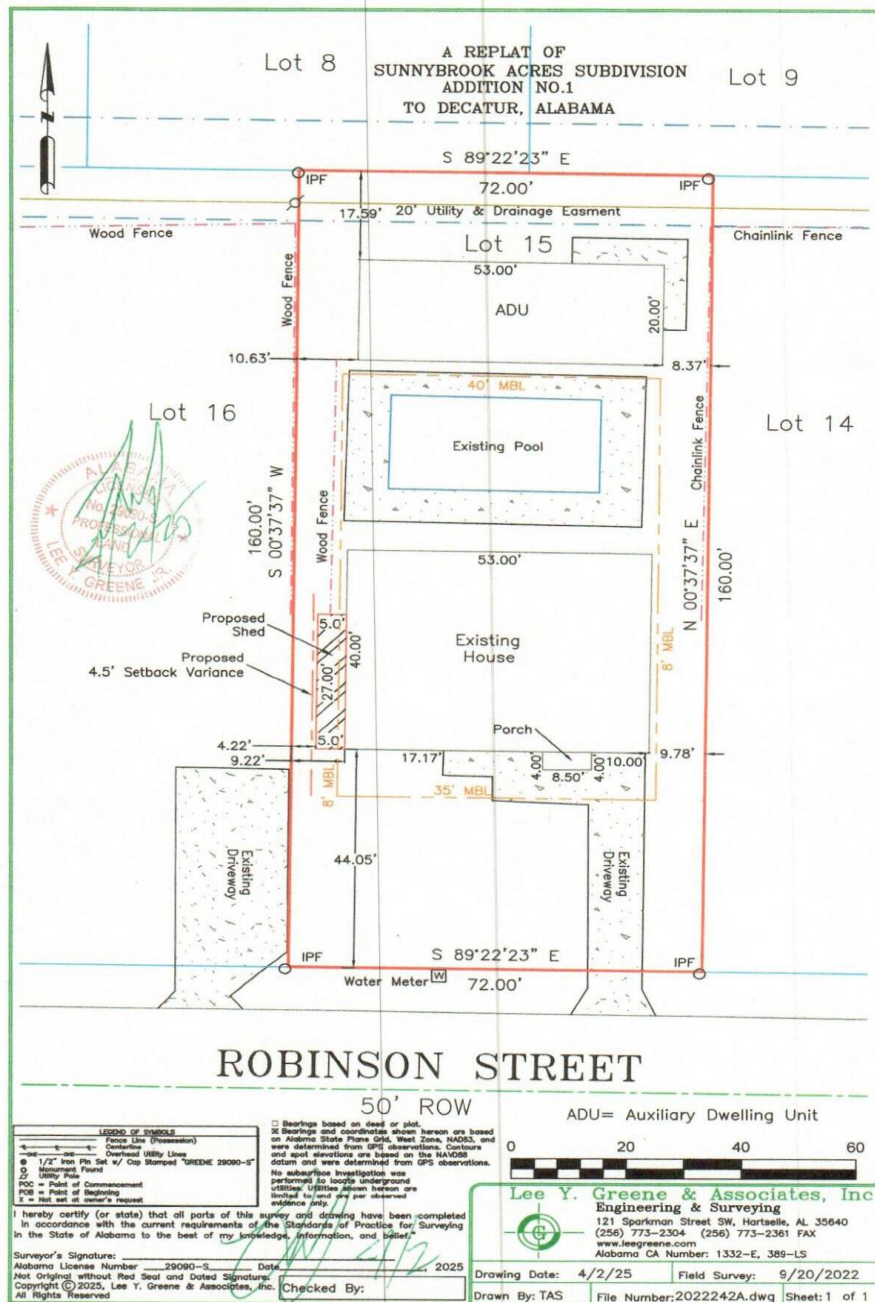
What variance to build shed off the side
of my house
height - 2x4 framing 27x8.5ft. - 11ft. tall
Front 9ft. - back 10ft. - 10m-to shed

Applicant Name (print) Robert Rainey
Signature [Signature]
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-2
Hearing Date 3.27.25 4/29
Approved/Disapproved _____

CASE NO. 4 208 ROBINSON STREET SW



Survey