



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

May 27th, 2025

Pre-meeting – 3:30 p.m. (7th Floor)

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

TABLE OF CONTENTS

APRIL MINUTES.....	3
AGENDA.....	6
CASE NO. 1 105 14TH STREET SW	7
SURVEY.....	8
SITE PLAN	9
VICINITY MAP	10
CASE NO. 2 5522 US HIGHWAY 31 SOUTH.....	11
SURVEY.....	12
GIS MAP	13

APRIL MINUTES

MEMBERS PRESENT: Chair Delayne Dean, Mr. Chester Ayers, Mr. Tom Polk

SUPERNUMERARIES: Mrs. Erika Huber, Mr. Mark Moody

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

Chair Delayne Dean called the meeting to order at 4:04 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 March 2025 minutes required any corrections. There were no corrections made. Mr. Tom Polk motioned to approve the minutes. Mr. Chester Ayers made a second. On a voice vote, all Yes, the motion carried. The minutes from the March 2025 meeting were approved.

CASE NO. 1

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.

Mardeli Gonzalez presented this case to the Board. Mrs. Gonzalez stated her name and address as 1308 19th Avenue SW. Mrs. Gonzalez presented pictures of the proposed porch to the Board. Chair asked for questions from the Board. Erika Huber asked if the dimensions changed from 10' to 8' wide and 25' to 20' long. Mrs. Gonzalez stated yes. Chair Dean stated all of the homes line up along the street, additions added to the front would disrupt alignment. Mrs. Gonzalez stated the front of the home gets hot and is worried her children could be injured. Chair Dean asked if other options have been considered, such as awnings. Mrs. Gonzalez stated yes, but they desired a more permanent structure. Tom Polk stated the Board asked for a reduction from a large covered porch to a smaller covered stoop at the previous meeting. Tom Polk stated the revised porch remains a pronounced structure. Mrs. Gonzalez stated she understands but it will help them enjoy the home in the summer time. Mrs. Gonzalez stated no neighbors are present to oppose. Chair Dean stated the issue occurs by setting a precedence that disrupts the harmony of the neighborhood.

Chair asked for any other questions from the Board. None. Chair asked for 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 approve the case as submitted. Tom Polk made a second. Chair called for role. All No, the motion was denied.

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.

Ginger Hickey presented this case to the Board. Mrs. Hickey stated her name and address as 773 Rouse Road, Sumiton AL. Mrs. Hickey stated they are asking for a sign variance to install a corporate sign package for a new Taco Bell restaurant. Mrs. Hickey stated the majority of the variance is for the art panels. Chair Dean asked if the art panels are changed out frequently. Mrs. Hickey stated no. Chair asked if the art panels are permanent. Mrs. Hickey stated yes. Chair asked if the panels are hand painted. Mrs. Hickey stated the panels are manufactured framed artwork.

Chair asked for questions from the Board. Tom Polk asked if the panels would ever be changed out to advertising. Mrs. Hickey stated she could not confirm future panel change-out use. Erika Huber asked if the panels displayed Decatur or Taco Bell. Mrs. Hickey stated no, graphics only.

Chair asked for any other questions from the Board. None. Chair asked for 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 approve with condition the art panels never contain verbiage. Tom Polk made a second. Chair called for role. All Yes, the motion was approved.

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.

Mark Moody recused himself from the case. Blake McAnally presented this case to the Board. Mr. McAnally stated they are requesting to build a structure on a vacant lot located at the corner of Connor Street and Baldwin Avenue. Mr. McAnally stated it is not possible to consolidate the lots due to Chun Avenue separating the two parcels. Mr. McAnally stated the building would be used for storing yard maintenance equipment. Mr. McAnally stated the church does not have enough space to construct a storage building on the same parcel due to the additions. Mr. McAnally stated the hardship is due to the Chun Avenue right of way.

Chair asked for questions from the Board. Chair asked if this building could be used as a classroom. Mr. McAnally stated no, it is an unconditioned space. Tom Polk asked if the building would have an electrical service or plumbing. Mr. McAnally stated no, the building would store lawn mowers and other similar equipment. Chair asked what the other three structures on the property are. Mr. McAnally stated they are portable buildings used for storage.

Chair asked for any other questions from the Board. None. Chair asked for 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 church went before the Planning Commission to consolidate and vacate the easement. Tommie Williams stated both were approved by the City Council. Chair closed call for public testimony. Chair asked the Board for its ruling. Chester Ayers made a motion to approve as submitted. Tom Polk made a second. Chair called for role. All Yes, the motion was approved.

CASE NO. 4

Application and appeal of Robert Rainey for a 3.78 feet side yard setback 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.

Robert Rainey presented this case to the Board. Mr. Rainey stated his name and address as 208 Robinson Street SW. Mr. Rainey stated he is requesting a variance to build a shed on the side of the house to store lawn mowers. Chair asked if the home is complete. Mr. Rainey stated it is in the final stages of being complete.

Chair asked for questions from the Board. Tom Polk asked if there was any other storage buildings on the property. Mr. Rainey stated no. Tom Polk asked for the other buildings use. Mr. Rainey stated it is a pool house.

Chair asked for any other questions from the Board. None. Chair asked for 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 property has multiple non-conformities including an accessory dwelling unit. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve the case as submitted. Chester Ayers made a second. Chair called for role. All No, the motion was denied.

Chair asked for any other new business. None.

Meeting adjourned at 4:35 p.m.

Delayne Dean, Chair

AGENDA

The City of Decatur Board of Zoning Adjustment will hold a public meeting at 4:00 pm. on Tuesday May 27th, 2025 in the Council Chambers located at City Hall. The meeting will be broadcast live on the City of Decatur You Tube channel for the purpose of hearing the following applications and appeals. All interested parties are requested to be present and will be given an opportunity to be heard. Please contact the Building Department for questions or concerns.

building@decatur-al.gov (256) 341-4570, 402 Lee Street NE, Decatur, AL 35601

<https://www.youtube.com/@CityofDecaturAL>

CASE NO. 1

Application and appeal of Community Action Partnership of North Alabama for a 4 feet side yard setback variance from Section 25-12.2 to construct a model home 12 feet from the property line. Property is located at 105 14th Street SW in an ID, Institutional District.

CASE NO. 2

Application and appeal of Mitesh Patel from Section 25-11 for:

1. a 4.2 feet rear yard setback variance to construct a kitchen/liquor store addition
2. and a 9.7 feet rear yard setback variance to construct a cooler addition.

Property is located at 5520 Highway 31 South in a B-2, General Business District.



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT:	Community Action Partnership of North Alabama
MAILING ADDR:	1909 Central Parkway SW
CITY, STATE, ZIP:	Decatur, AL 35601
PHONE:	256-260-3108

PROPERTY OWNER:	Community Action Partnership of North Alabama, Inc
OWNER ADDR:	1909 Central Parkway SW
CITY, STATE, ZIP:	Decatur, AL 35601
PHONE:	256-260-3108

ADDRESS FOR APPEAL:	105 14th Street SW
---------------------	--------------------

NATURE OF APPEAL:


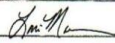
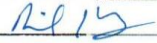
- ☐ HOME OCCUPATION ☒ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☒ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

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

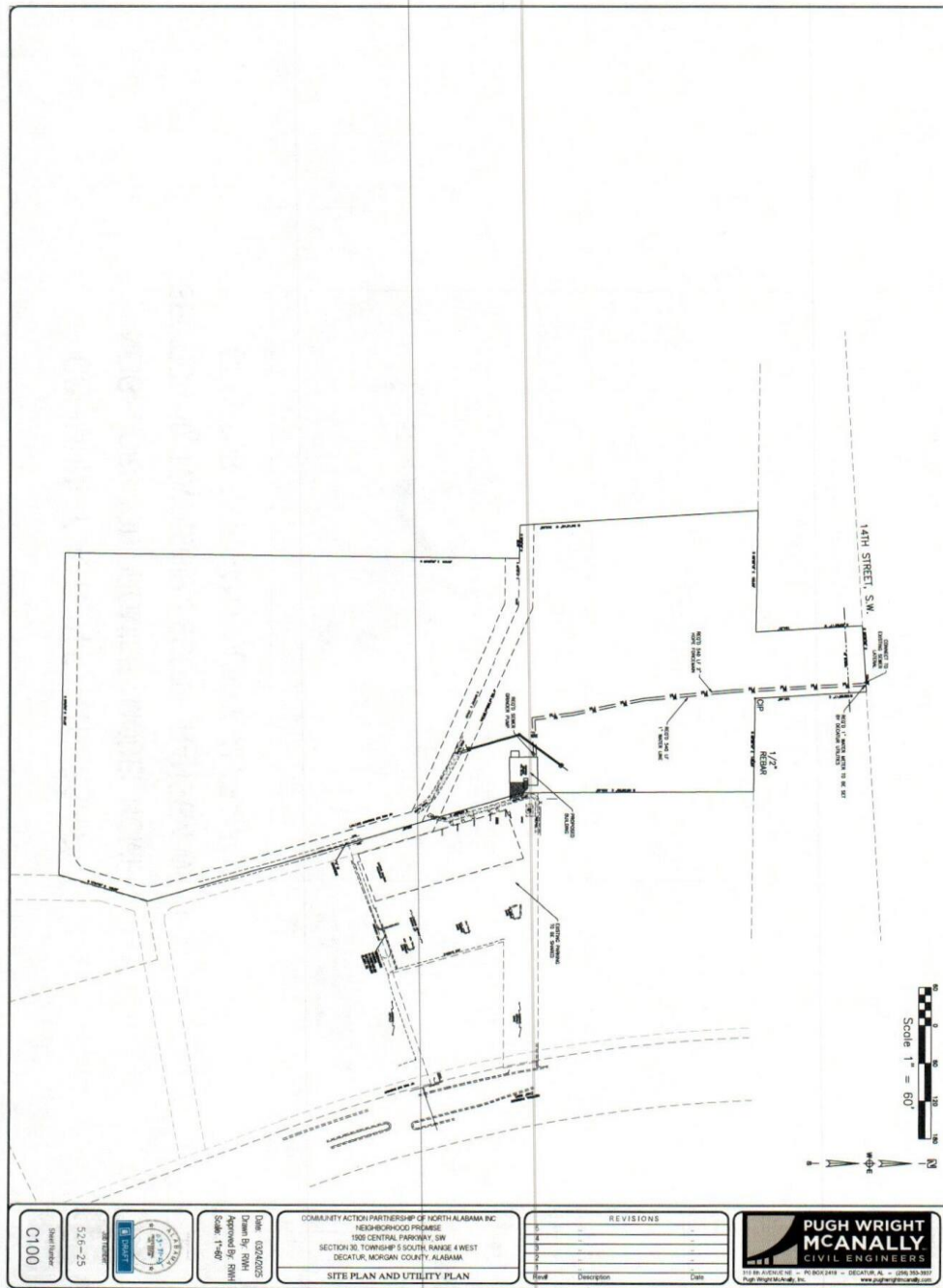
For the case to be heard*****

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

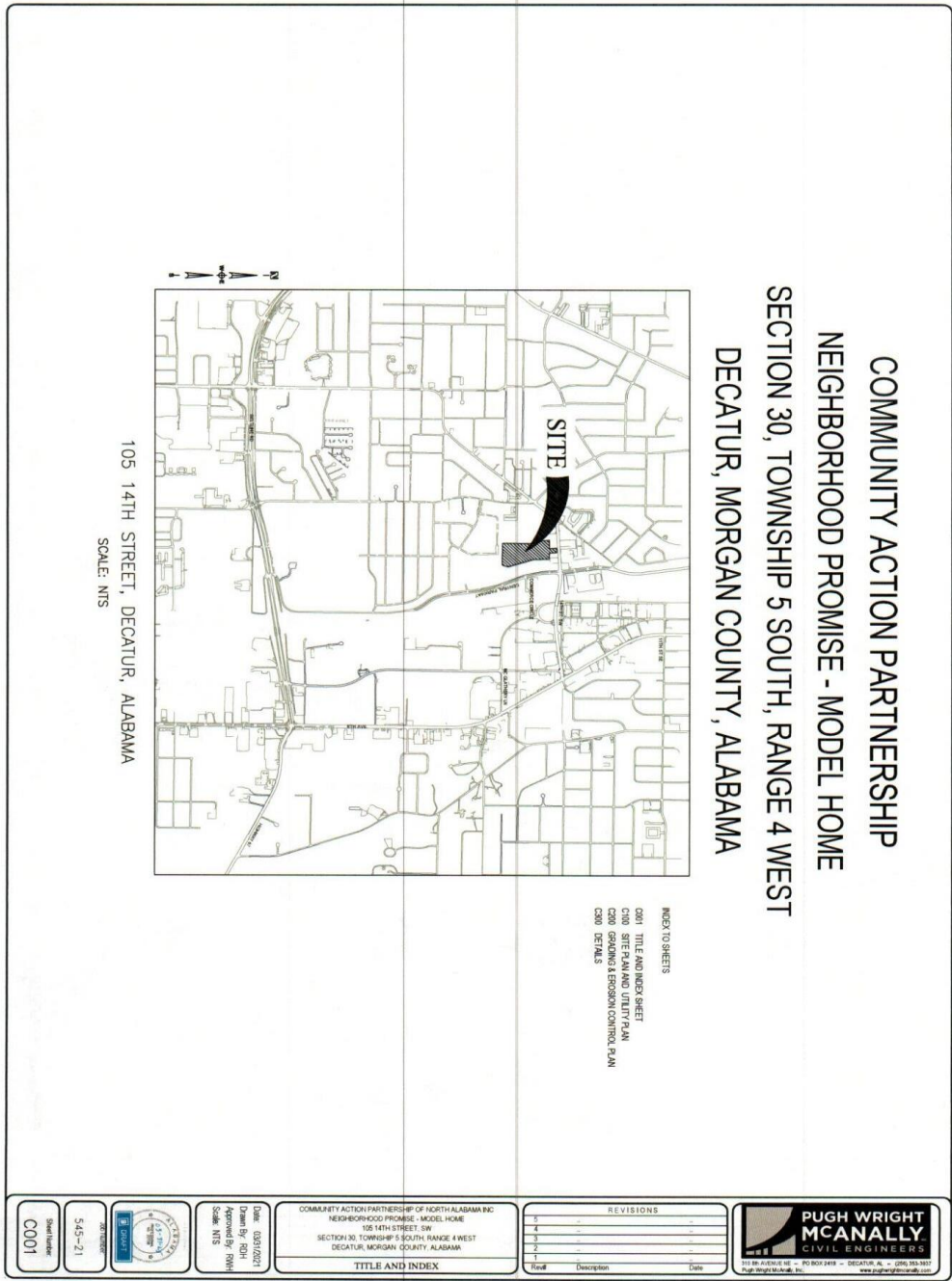
Owner is requesting a side yard setback variance from 15 feet to 11 feet. The location for this request is behind the existing CAPNA office building. An existing ditch runs beside the area of this request. A portion of the ditch will be piped, but the ditch limits the useable area on this portion of the property. This proposed building will face the existing CAPNA parking lot for access and will have limited visibility from 14th Street.

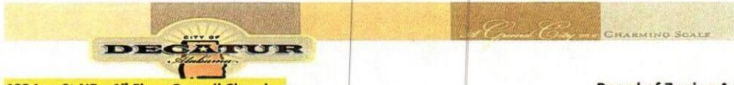
Community Action Partnership		
Applicant Name (print) By: Lorrie Mauro	If applicant is using a	Office Use Received By: 
Signature 	representative for the	Zone <u>ZD</u>
Representative Name (print) Richard Humphrey	request both signatures	Hearing Date <u>5/27/25</u>
Signature 	are required	Approved/Disapproved
Date <u>05-09-25</u>		

CASE NO. 1 105 14TH STREET SW



Site Plan





402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: MITESH PATEL FOR Om Ruoma Shiva, LLC
MAILING ADDR: 5520 US Hwy 31 S
CITY, STATE, ZIP: Huntsville AL 35640
PHONE: 478-246-8926

PROPERTY OWNER: ~~SAHIL~~ Mitesh Patel for Om Ruoma Shiva LLC
OWNER ADDR: 5520 US Hwy 31 S Huntsville AL 35640
CITY, STATE, ZIP: Huntsville AL 35640 PHONE: 478-246-8926

ADDRESS FOR APPEAL: 5520 HIGHWAY 31 SOUTH, HUNTSVILLE, AL 35640

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)

APPLICANT WANTS TO EXPAND AN EXISTING RETAIL BUSINESS
(ZONED B-2) AT THIS LOCATION. THE B/W FOR KATO ROAD
WAS EXPANDED BY PLAT IN 1999.

1) APPLICANT REQUESTS A 4.2' REAR SETBACK FOR THE
STONE ADDITION TO THE NORTH

2) APPLICANT REQUESTS A 9.7' REAR SETBACK FOR A COUGH

Applicant Name (print) Mitesh Patel

Signature Mitesh Patel

Representative Name (print) Mitesh Patel

Signature Mitesh Patel

Date 5/19/2025

If applicant is using a

representative for the

request both signatures

are required

Office Use Received By:

Zone B-2

Hearing Date 5/27/25

Approved/Disapproved

CASE NO. 2 5522 US HIGHWAY 31 SOUTH

