



## **Board of Zoning Adjustment**

### **BOARD OF ZONING ADJUSTMENT**

**June 24<sup>th</sup>, 2025**

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

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

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## **MAY MINUTES**

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

**SUPERNUMERARIES:** Mr. Mark Moody

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

Chair Delayne Dean called the meeting to order at 4:02 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 April 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 April 2025 meeting were approved.

### **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 14<sup>th</sup> Street SW in an ID, Institutional District.

Richard Humphries presented this case to the Board. Mr. Humphries stated his name and address as 310 8<sup>th</sup> Avenue NE. Mr. Humphries stated Community Action is seeking a side yard variance to construct a new training center on a separate parcel behind their existing facility. Mr. Humphries stated they will connect the paving from their existing facility to this new building for access. Mr. Humphries stated there is an existing drainage ditch on the property limiting location of the building.

Chair asked for questions from the Board. Chair asked if building is for a model home and not a residence. Mr. Humphries stated yes, it will not be a functioning residence. Tom Polk asked if there would be a curb cut on 14<sup>th</sup>. Mr. Humphries stated there is an existing curb cut/gravel drive from 14<sup>th</sup>.

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 this case was discussed in detail and has no issues. Chair closed call for public testimony. Chair asked the Board for its ruling. Chester Ayers made a motion to approve as submitted. Mark Moody made a second. Chair called for role. All Yes, the motion was approved.

## **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.

Mitesh Patel presented this case to the Board. Mr. Patel stated his name and address as 5520 Highway 31 South. Mr. Patel stated he is requesting a variance to construct a kitchen/liquor store addition.

Chair asked for questions from the Board. Chair asked if the addition is for a kitchen and not a restaurant. Mr. Patel stated no, just a kitchen and liquor store. Tom Polk asked if they would be serving box lunches similar to other stores. Mr. Patel stated yes.

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 this case was discussed in detail with the Fire Marshall/Building Department and concluded the variance was acceptable. Chair closed call for public testimony. Chair asked the Board for its ruling. Mark Moody made a motion to approve as submitted. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

Chair asked for any other new business. None.

Meeting adjourned at 4:35 p.m.

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Delayne Dean, Chair

## **AGENDA**

### **CASE NO. 1**

Application and appeal of Donald Gardner to conform as closely as possible in the opinion of the Board from Section 25-14 (a) for:

1. a 2600 square feet lot size variance from Section 25-10.10 (2) (a)
2. and a 10 feet lot width variance form Section 25-10.10 (2) (f)

to construct a new single family dwelling. Property is located at 729 Church Street NW in an R-3, Residential Single Family District.

### **CASE NO. 2**

Application and appeal of River City Pentecostals for a six space parking variance from Section 25-16 (2) (b) to construct a new church. Property is located at the South East corner intersection of 14<sup>th</sup> Avenue NW and 5<sup>th</sup> Street NW in an R-4, Residential Multi Family District.

### **CASE NO. 3**

Application and appeal of Frank Hernandez for a variance from Section 25-2 (1) to construct an accessory structure without a main structure. Property has a parcel ID of 13 02 03 4 000 001.004 and is located in an R-2, Residential Single Family District.



A Good City CHARMING SCALE

402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Donald Garner  
MAILING ADDR: 1728 Pennylane SE Decatur  
CITY, STATE, ZIP: Decatur, AL, 35601  
PHONE: (256) 227-5071

PROPERTY OWNER: Donald Garner  
OWNER ADDR: 729 Church St, NW  
CITY, STATE, ZIP: Decatur, AL, 35601 PHONE: (256) 227-5071

ADDRESS FOR APPEAL: 729 Church St, NW 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)

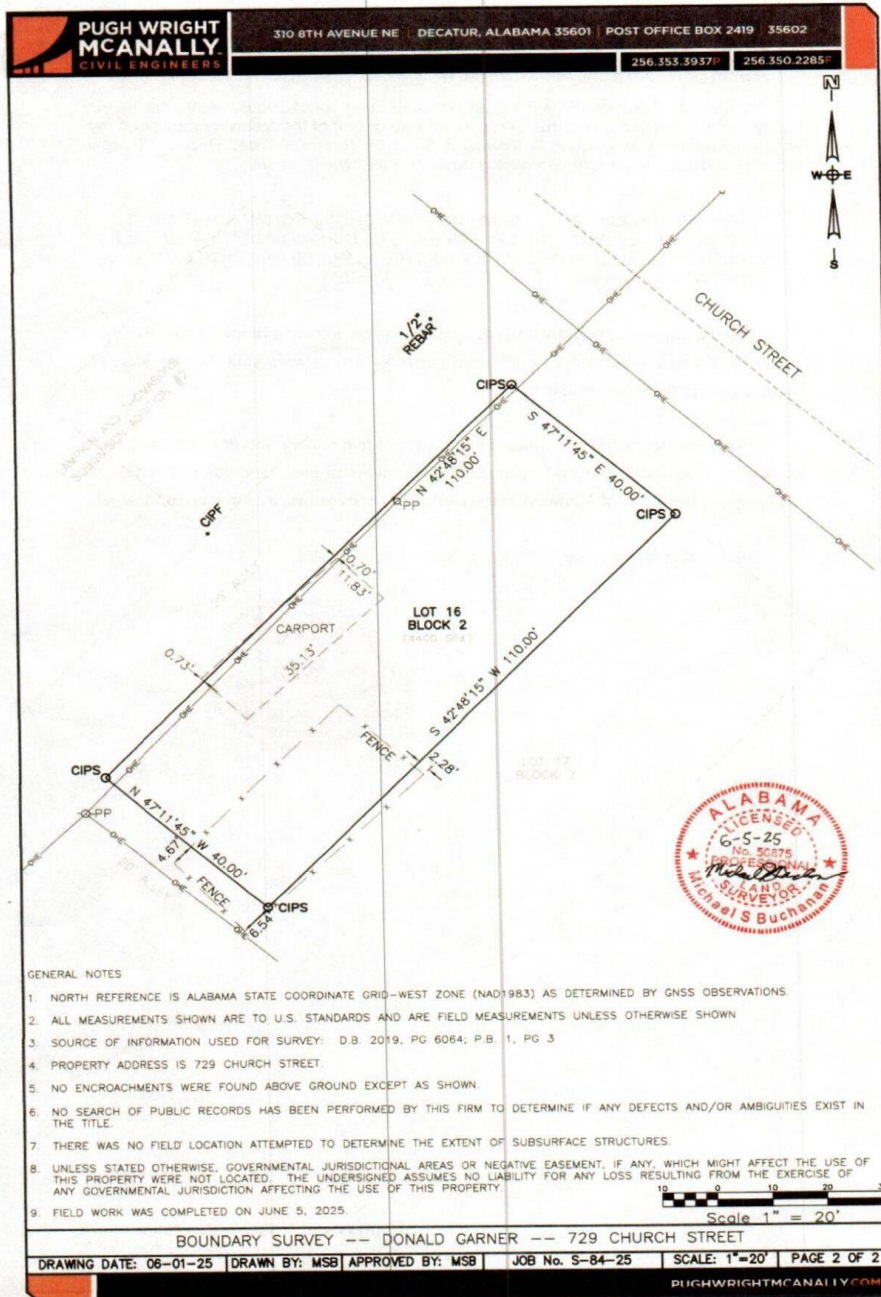
I only have 5000 square feet of lot  
the city requires 7000 square feet but  
I only want to build 1000 square feet  
house

Applicant Name (print) Donald Garner  
Signature Donald Garner  
Representative Name (print) \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

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

Office Use Received By: 5/1  
Zone R-3  
Hearing Date 6/24/25  
Approved/Disapproved \_\_\_\_\_

CASE NO. 1 729 CHURCH STREET NW



Survey





402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: River City Pentecostals  
MAILING ADDR: 2704 Dorchester Dr SE  
CITY, STATE, ZIP: Decatur, AL 35601  
PHONE: 609-857-4800

PROPERTY OWNER: River City pentecostals  
OWNER ADDR: 2704 Dorchester Dr SE  
CITY, STATE, ZIP: Decatur, AL 35601 PHONE: 609-857-4800

ADDRESS FOR APPEAL: 5<sup>th</sup> Street & 14<sup>th</sup> Ave NW

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\*

Applicant Name (print) Jacob Jones  
Signature [Signature]  
Representative Name (print) Jaxon McAnally  
Signature [Signature]  
Date 06/10/2025

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

Office Use Received By: [Signature]  
Zone R-4  
Hearing Date 6/24  
Approved Disapproved

CASE NO. 2 5<sup>TH</sup> STREET & 14<sup>TH</sup> AVENUE NW



**Parking Variance Request:**

We are requesting a variance from the current off-street parking requirements for the proposed church development located at 5<sup>th</sup> Street & 14<sup>th</sup> Avenue. Due to the limited size of the property and site constraints, it is not feasible to meet the minimum parking count prescribed by the zoning ordinance without compromising the essential functions of the site. Many religious gatherings are held outside of peak traffic hours (i.e., evenings and weekends), minimizing conflict with adjacent uses. The current zoning requires one (1) parking space for each five (5) seats in the main assembly area resulting in twenty (20) required spaces for the proposed development. The goal of this request is to reduce the required count from twenty (20) spaces to fourteen (14) spaces for the proposed church development.





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402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Francisco V Hernandez

MAILING ADDR: 3325 Danville Rd SW

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 256-445-2536

PROPERTY OWNER: Francisco G Hernandez

OWNER ADDR: 3325 Danville Rd SW

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 256-445-2536

ADDRESS FOR APPEAL: Kensington Way SW, 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)

Permission to construct a secondary structure before the primary residence. Construction of a 80'x100'x16"

Applicant Name (print) Francisco V Hernandez

Signature [Signature]

Representative Name (print) \_\_\_\_\_

Signature \_\_\_\_\_

Date 6-11-25

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

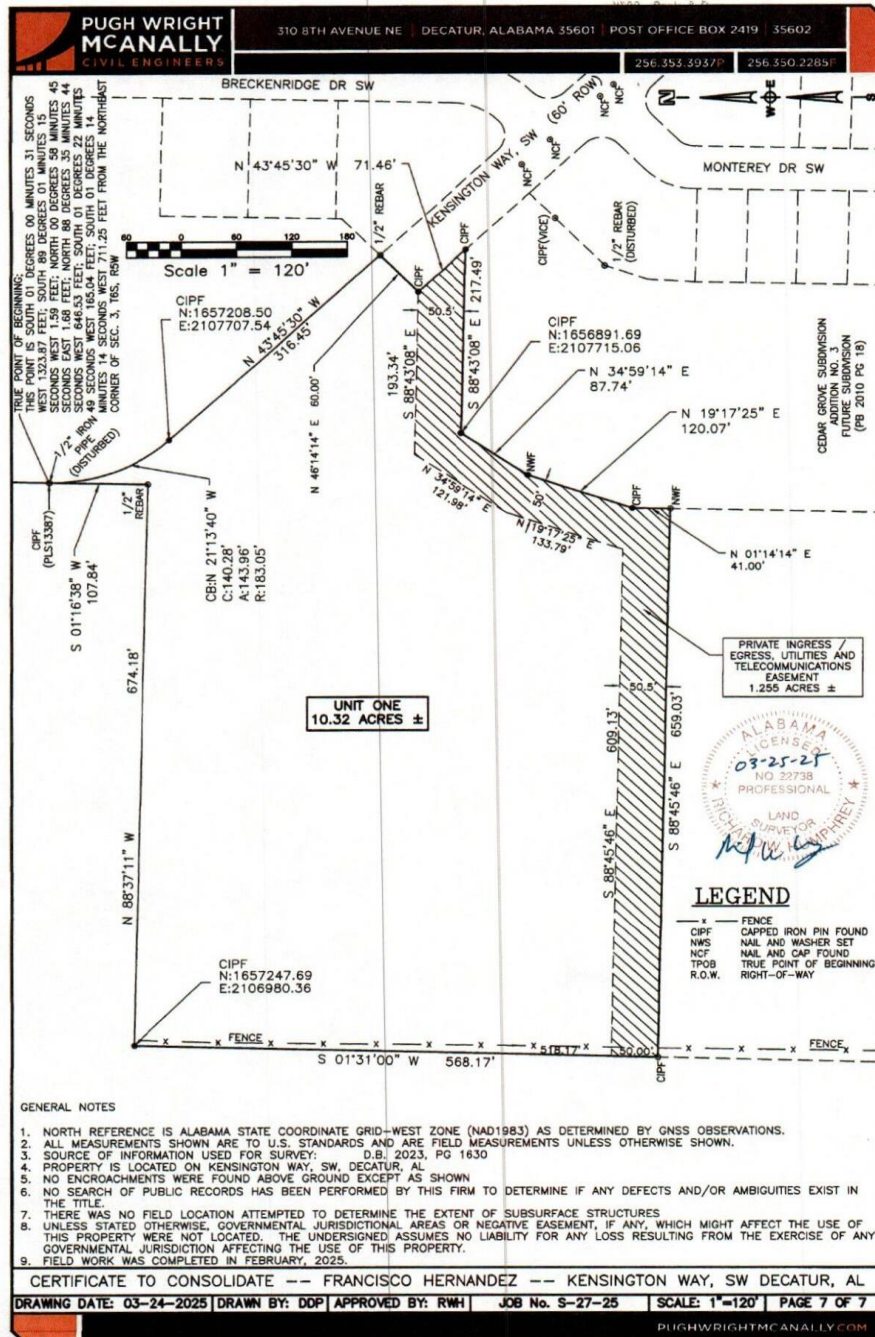
Office Use Received By: [Signature]

Zone R-2

Hearing Date 6/24/25

Approved/Disapproved \_\_\_\_\_

CASE NO. 3 KENSINGTON WAY SW



Survey