



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

July 29th, 2025

Pre-meeting – 3:30 p.m. (7th Floor)

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

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MINUTES JUNE 2025

MEMBERS PRESENT: Chair Delayne Dean, Mr. Chester Ayers, Mr. Mark McCurry, Mr. Tom Polk, and Mrs. Flor Gonzalez

SUPERNUMERARIES: 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 4:03 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 May 2025 minutes required any corrections. There were no corrections made. Mr. Chester Ayers motioned to approve the minutes. Mr. Tom Polk made a second. On a voice vote, all Yes, the motion carried. The minutes from the May 2025 meeting were approved.

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.

Donald Gardner presented this case to the Board. Mr. Gardner stated his name and address as 729 Church Street NW. Mr. Gardner stated he is asking for a variance to build a home for his daughter.

Chair asked for questions from the Board. Chester Ayers asked if two accessory structures exist on the property. Mr. Gardner stated no, they are storage buildings and he received a notice of violation. Chair asked for other questions from the Board. Tom Polk asked if a single-family dwelling is proposed. Mr. Gardner stated he is proposing to build a 1000 square foot single family home. Tom Polk asked if he had a survey showing the proposed home on the lot. Mr. Gardner had a survey of the lot but it did not show the proposed home. Tom Polk asked if he would be able to meet the setbacks. Mr. Gardner stated yes. Chair stated without having a survey with the proposed

home on it, we do not know exactly what you are building and if more variances would be necessary. Tom Polk stated the lot does not comply with the existing accessory structures. Chair asked for any other questions from the Board. None. Chair asked for comments from the public. Three people from the public spoke in opposition of the variance due to nuisance activities occurring at the location. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. Tommie Williams stated there is increased investment in the area and it is difficult to grant a variance when the lot is out of compliance. Chair closed call for public testimony. Chair asked the Board for its ruling. Mark McCurry made a motion to approve as submitted. Chester Ayers made a second. Chair called for role. All No, the motion was denied.

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 14th Avenue NW and 5th Street NW in an R-4, Residential Multi Family District.

Jaxson McAnally presented the case to the Board. Mr. McAnally stated his name and address as 310 8th Avenue NE. Mr. McAnally stated he is requesting a parking space variance for a new church. Chair asked for questions from the Board. Tom Polk asked if there was a seating plan for the sanctuary. Mr. McAnally stated no, but it will have moveable seats. Chair asked where overflow parking would be located. Mr. McAnally stated on the street.

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 as submitted. Tom Polk made a second. Chair called for role. All Yes, the motion was approved.

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.

Frank Hernandez presented the case to the Board. Mr. Hernandez stated his name and address as 3705 Montclair Road. Mr. Hernandez stated he is asking for a variance to build an accessory structure without a main structure. Mr. Hernandez stated the plan is to build the primary residence in the next couple of years. Mr. Hernandez stated the building is to store personal items.

Chair asked for questions from the Board. Tom Polk asked if it was possible to build the primary residence in two years. Mr. Hernandez stated yes, construction will start when their current residence is sold. Tom Polk stated the accessory structure would need to be in the rear yard when the new home was constructed. Tom Polk asked for the use of the new building. Mr. Hernandez

stated for storage and vehicles and not for business related uses. Chair stated the building is to only be 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 commercial uses are not allowed and this property should only be used for residential. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve as submitted with condition the primary residence shall be built within 30 months. 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 4:31 p.m.

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:

3. a 2600 square feet lot size variance from Section 25-10.10 (2) (a)
4. 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 Terry Lawrence for a 15 feet side yard setback variance from Section 25-21.1 (g) and a 5 feet side yard setback variance from Section 25-10.9 (2) (e) to construct a carport. Property is located at 101 Betty Street SW in an R-2, Residential Single Family District.



402 Lee St NE 1st 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)

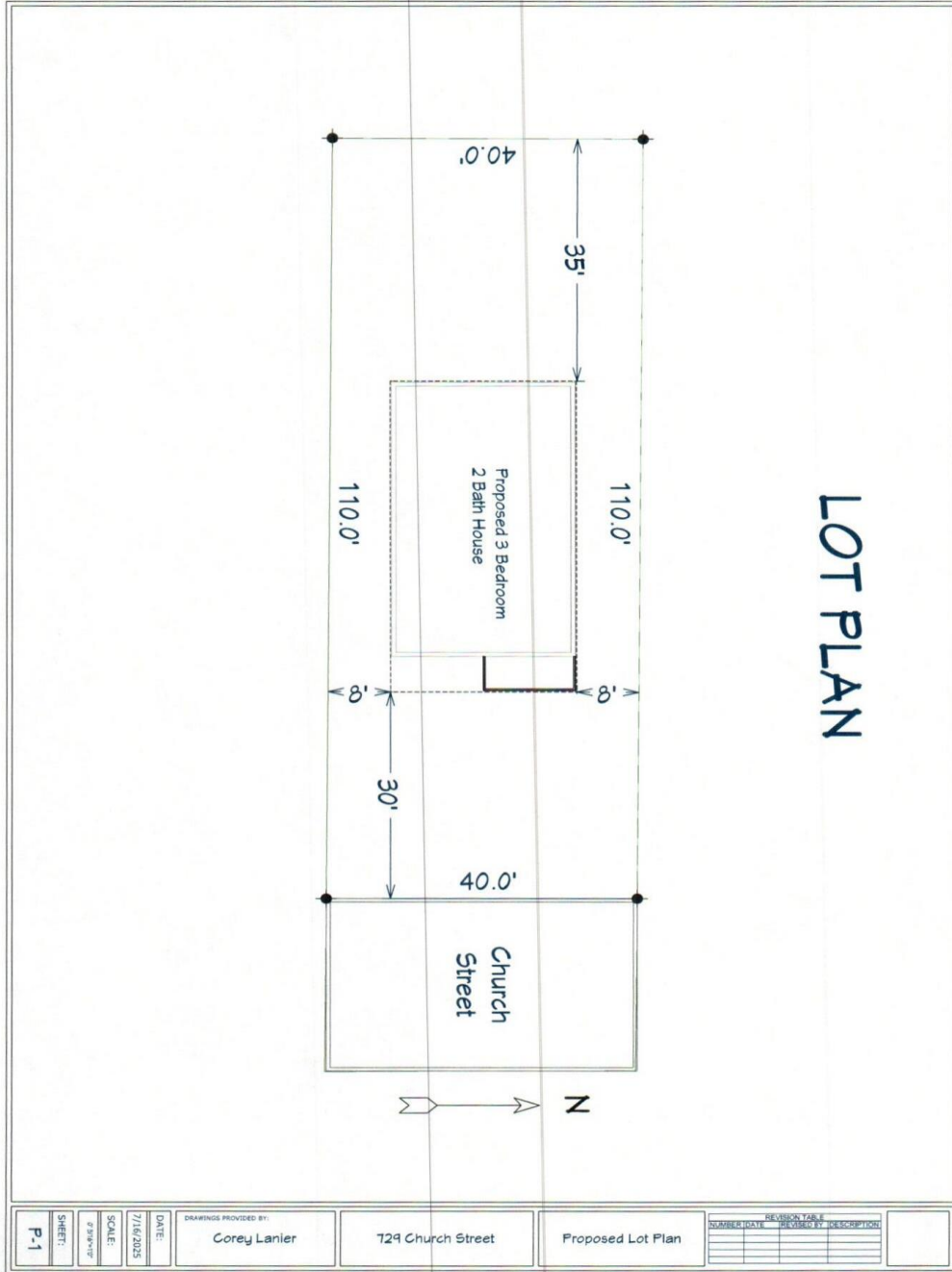
I only have 5000 square feet of lot
the city requires 7000 square feet but
I only want to build 1000 square feet
house

Applicant Name (print) Donald Garner
Signature Donald Garner
Representative Name (print) _____
Signature _____
Date _____

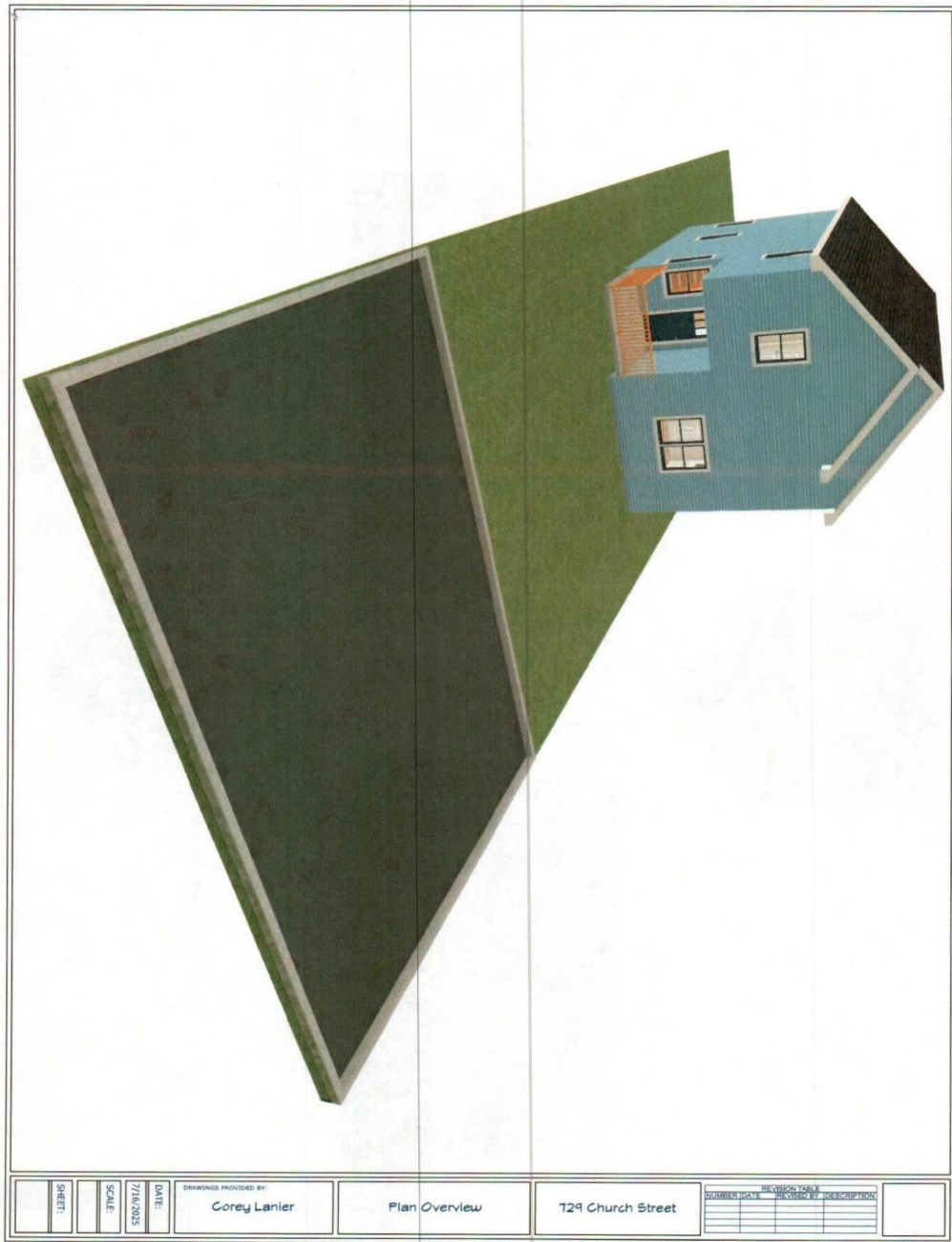
If applicant is using a
representative for the
request both signatures
are required

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

CASE NO. 1 729 CHURCH STREET NW



Lot Plan



SHEET:
1

SCALE:
1/8"=1'-0"

DATE:
7/16/2025

DRAWINGS PROVIDED BY:
Corey Lanier

Plan Overview

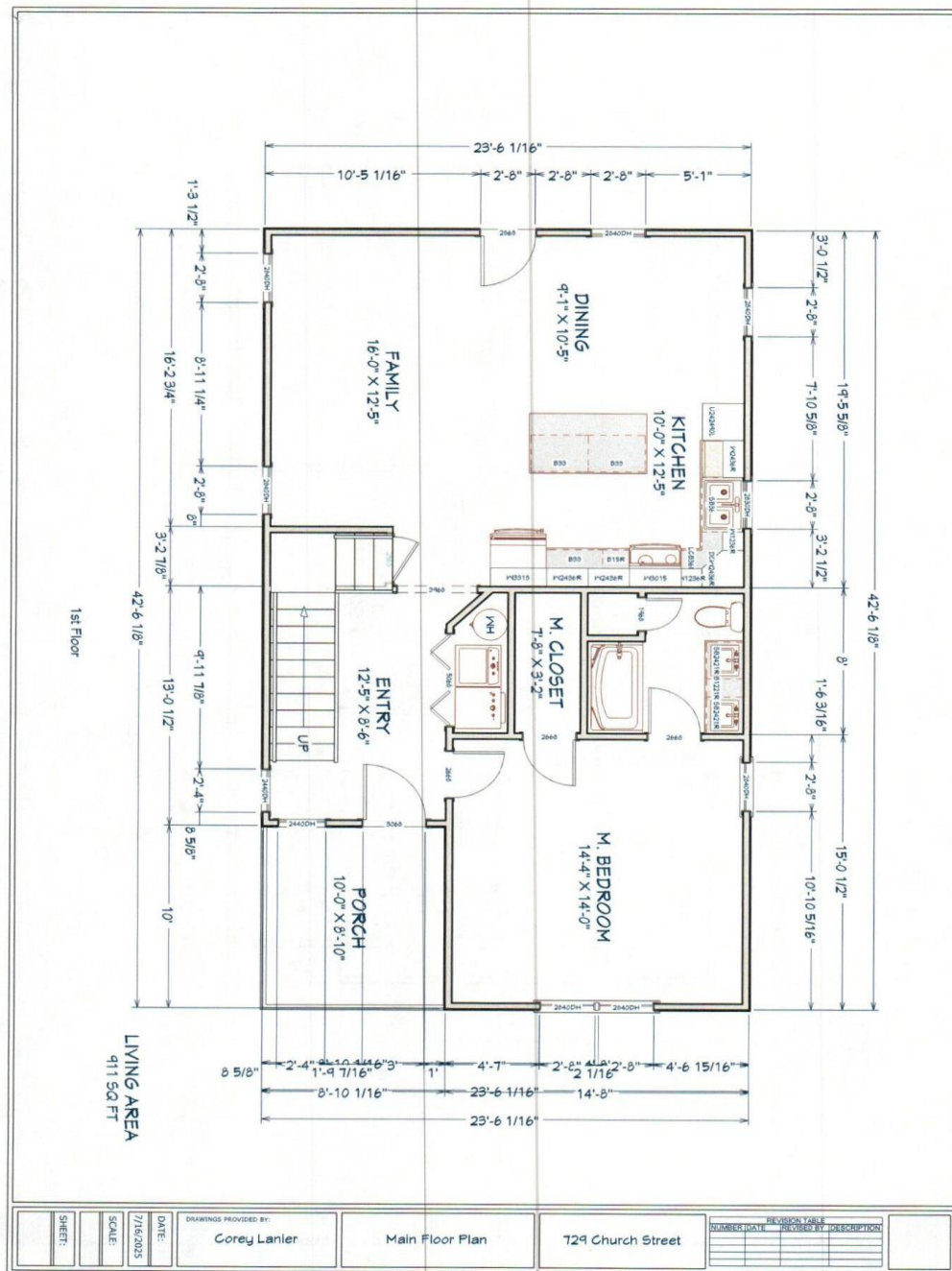
729 Church Street

REVISION TABLE		
NUMBER	DATE	DESCRIPTION

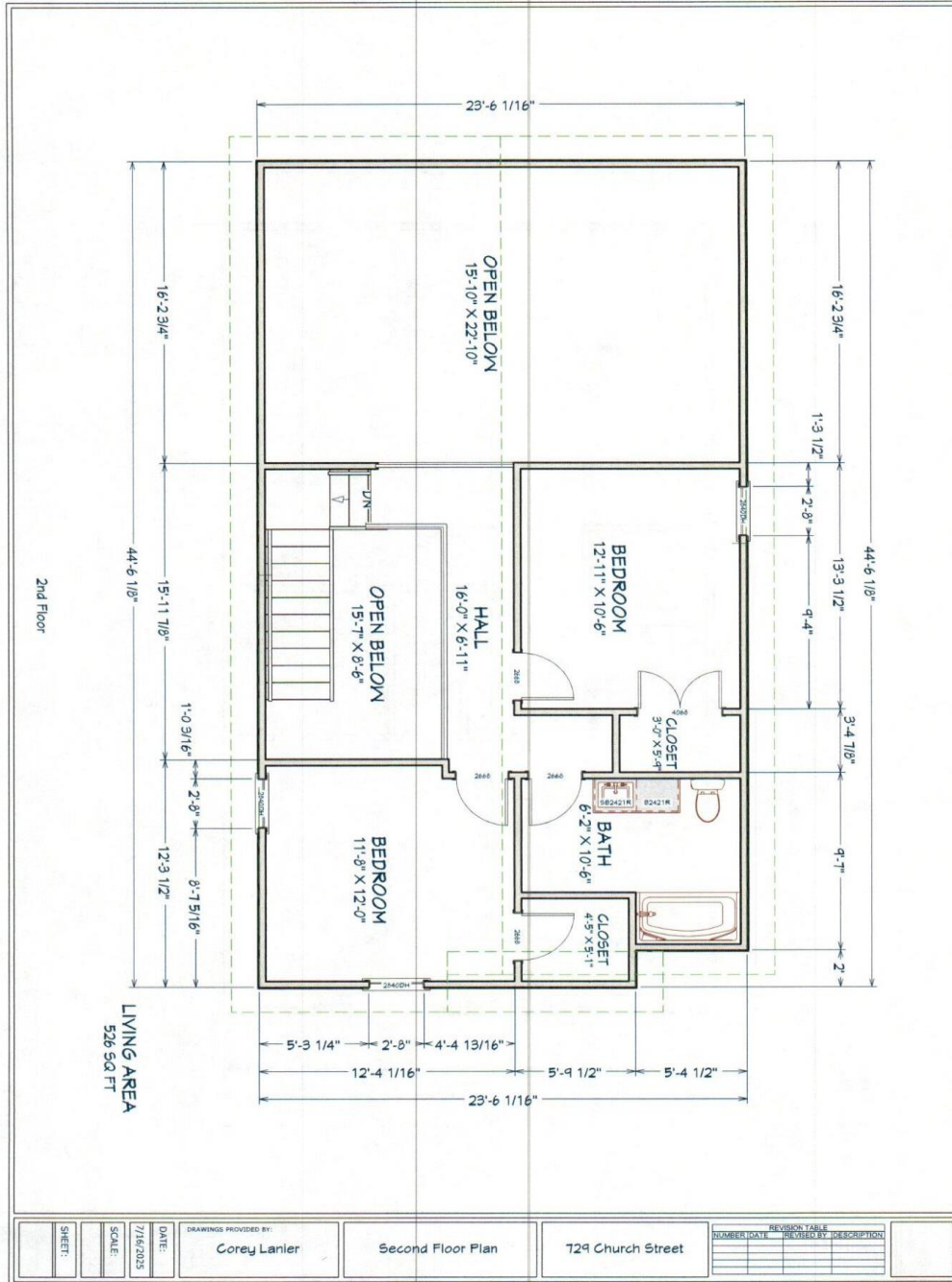
Elevation 1



Elevation 2



1st Floor Plan



2nd Floor Plan



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Terry Lawrence
MAILING ADDR: 101 Betty St
CITY, STATE, ZIP: Decatur, AL, 35603
PHONE: 256-565-8541

PROPERTY OWNER: Terry Lawrence
OWNER ADDR: 101 Betty St
CITY, STATE, ZIP: Decatur, AL, 35603 PHONE: 256-565-8541

ADDRESS FOR APPEAL: 101 Betty 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

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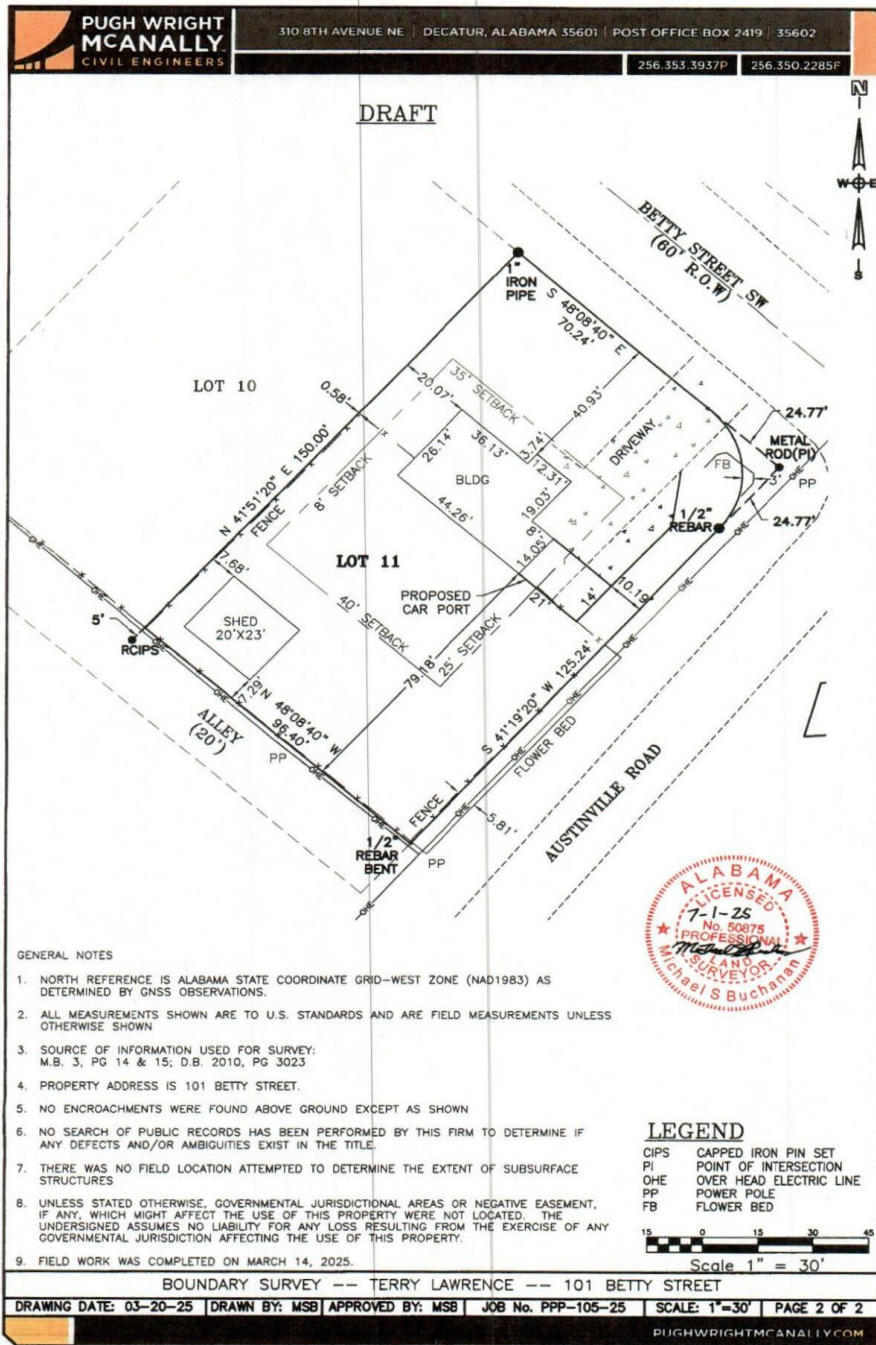
Asking for a 15 foot variance to build a carport beside the house.
It is a 25' setback and asking to make it a 10' setback.

Applicant Name (print) Terry Paul Lawrence
Signature [Signature]
Representative Name (print) Richard Humphrey
Signature [Signature]
Date 07/10/25

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

Office Use Received By: _____
Zone R-2
Hearing Date 7/29/25
Approved/Disapproved _____

CASE NO.2 101 BETTY STREET SW



Survey