



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

August 26th, 2025

Pre-meeting – 3:30 p.m. (6th Floor)

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

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JULY MINUTES

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

SUPERNUMERARIES: Mr. Mark Moody

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

Chair Delayne Dean called the meeting to order at 4:05 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 June 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 June 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 seeking a variance to build a home on the property.

Chair asked if the lot has been brought into compliance concerning the accessory structures. Mr. Gardner stated, Yes. Chair asked if they all have been removed. Mr. Gardner stated one building with fencing has been removed and the carport is in the process of removal. Chair stated until the lot is in compliance the Board cannot vote on the variance. Mark McCurry made a motion to table the case until the lot is brought into compliance. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

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.

Richard Humphries presented this case to the Board. Mr. Humphries stated his name and address as 310 8th Avenue NE. Mr. Humphries stated the owner is requesting a variance to construct a carport on a lot with double front yard setbacks. Mr. Humphries stated they have contacted the city concerning enlargement of the right of way and there are no current plans to widen the road.

Chair asked for questions from the Board. Chair asked if there was a reason this carport cannot be placed in the rear yard. Mr. Humphries stated due to the front driveway configuration of the home it could not be placed in the rear. Mr. Humphries stated a fully enclosed garage could be built in the rear but the client desires an open sided canopy structure. Tom Polk asked for a hardship. Mr. Humphries stated it is a corner lot with a double front yard setback that limits space to construct the carport.

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 expressed concerns of the large setback encroachment and future road expansion. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve with condition the carport remains open sided. 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 4:14 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 Holy Temple Church of God for a 30 feet rear yard setback variance from Section 25-10.10 (2) (d) and 3 feet side yard variance from Section 25-10.10 (2) (e) to construct an accessible addition for seniors. Property is located at 728 Alma Street NW in an R-3, Residential Single Family District.

CASE NO. 3

Application and appeal of CEOTA for:

1. a 7.5 feet rear yard setback variance from Section 25-12.2
2. a North Easterly 23.5 feet side yard setback variance from Section 25-12.2
3. and a South Westerly 3 feet side yard setback variance from Section 25-12.2

to construct an addition to a historic structure. Property is located at 818 Sycamore Street NW in an I-D, Institutional District.

CASE NO. 4

Application and appeal of Hannah McCollum for a use permitted on appeal from Section 25-93 (b) to operate a Day Care of not more than 6 children during the day (not after 7:00pm.). Property is located at 1409 8th Avenue SE in an R-3, Residential Single Family District.

CASE NO. 5

Application and appeal of Willowgate Homes LLC for a 3 feet building height variance from Section 25-10.8 (2) (g) to construct a new single-family residence. Property is located at 4522 Ivy Dale Road SE in an AG-1, Agricultural 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)

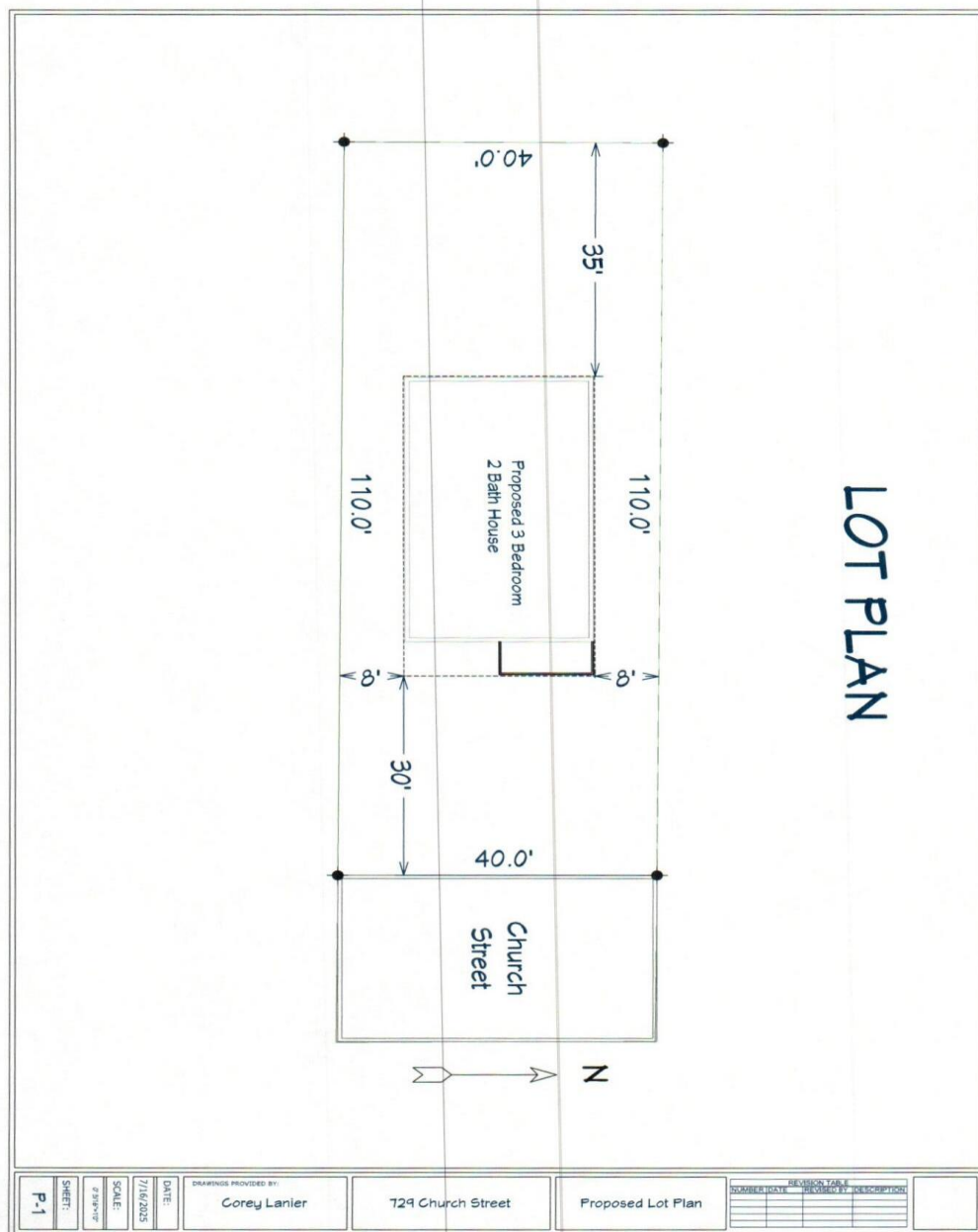
I only have 5000 square feet of lot
the city requires 7000 square feet but
I only want to build 1000 square feet
house

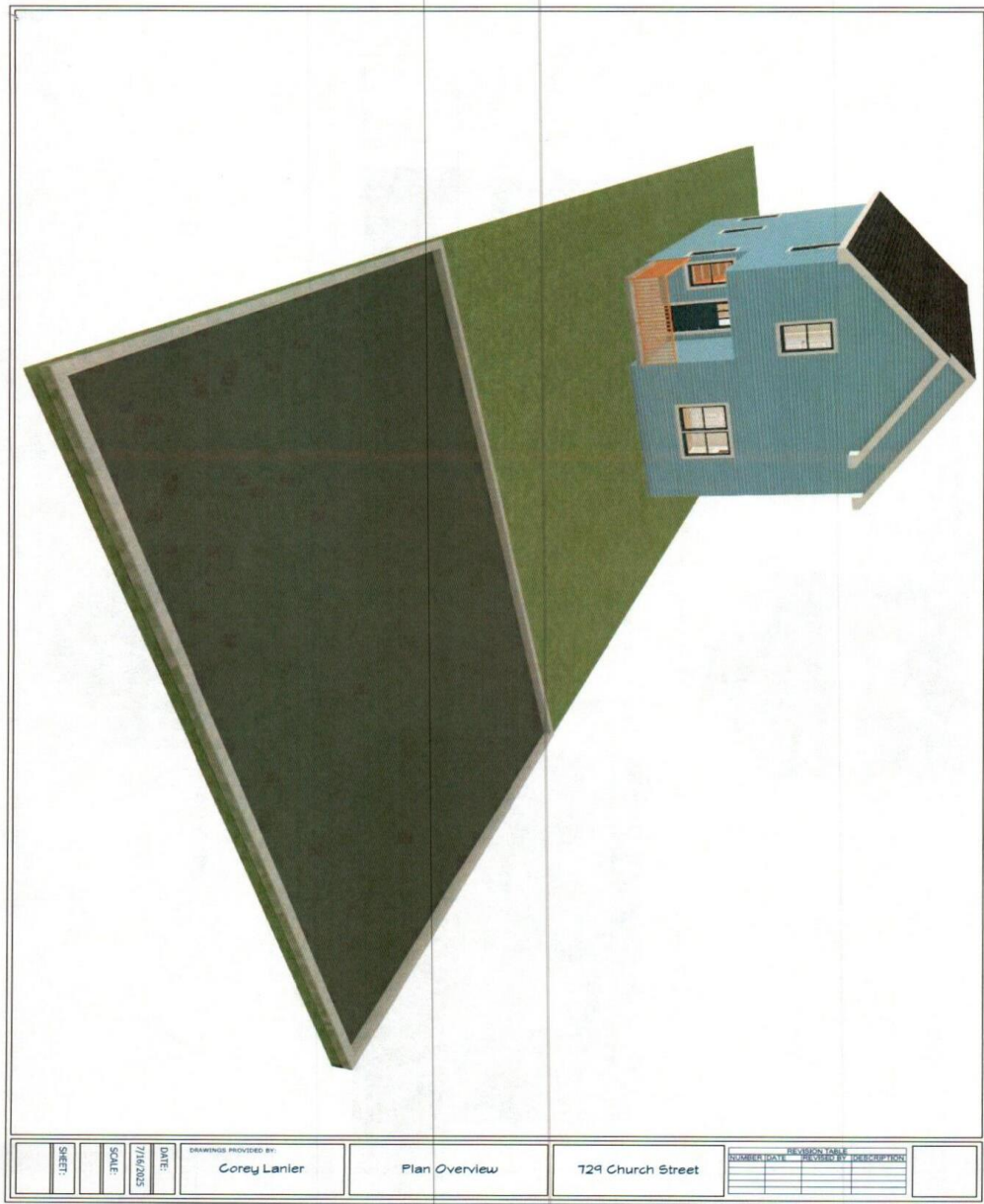
Applicant Name (print) Donald Garner
Signature Donald Garner
Representative Name (print) _____
Signature _____
Date _____

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

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

CASE NO. 1 729 CHURCH STREET NW





SHEET:	SCALE:	DATE: 7/16/2025	DRAWINGS PROVIDED BY: Corey Lanier	Plan Overview	729 Church Street	REVISION TABLE	
					NUMBER	DATE	DESCRIPTION



Elevation 2

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Holy Temple Church of God
MAILING ADDR: 728 Alma St., N.W.
CITY, STATE, ZIP: Decatur, AL 35601
PHONE: _____

PROPERTY OWNER: Holy Temple Church of God
OWNER ADDR: 728 Alma St., N.W.
CITY, STATE, ZIP: Decatur, AL 35601 PHONE: _____

ADDRESS FOR APPEAL: 728 Alma Street, N.W.

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)

Property zoned R-3
• Requesting Rear & Side Yard setback variances of 25' and 3' respectively.
• Utility Easement west of existing building for sanitary sewer and storm sewer divides property.
• Addn. needs to be connected to existing bldg for accessibility for senior adults.

Applicant Name (print) Patrick H. Mason
Signature Patrick H. Mason
Representative Name (print) Richard Humphrey
Signature Rich H. Humphrey
Date 7-30-2025

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

Office Use Received By: _____
Zone R-3
Hearing Date 8/26/25
Approved Disapproved _____

CASE NO. 2 728 ALMA STREET NW



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT:	CELEBARTING EARLY OLD TOWN WITH ART (CEOTA)
MAILING ADDR:	PO Box 802
CITY, STATE, ZIP:	Decatur, AL 35602
PHONE:	256-353-7805 (Frances Tate)

PROPERTY OWNER:	CEOTA
OWNER ADDR:	PO Box 802
CITY, STATE, ZIP:	Decatur, AL 35602
PHONE:	256-353-7805

ADDRESS FOR APPEAL:	818 Sycamore Street, NW
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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

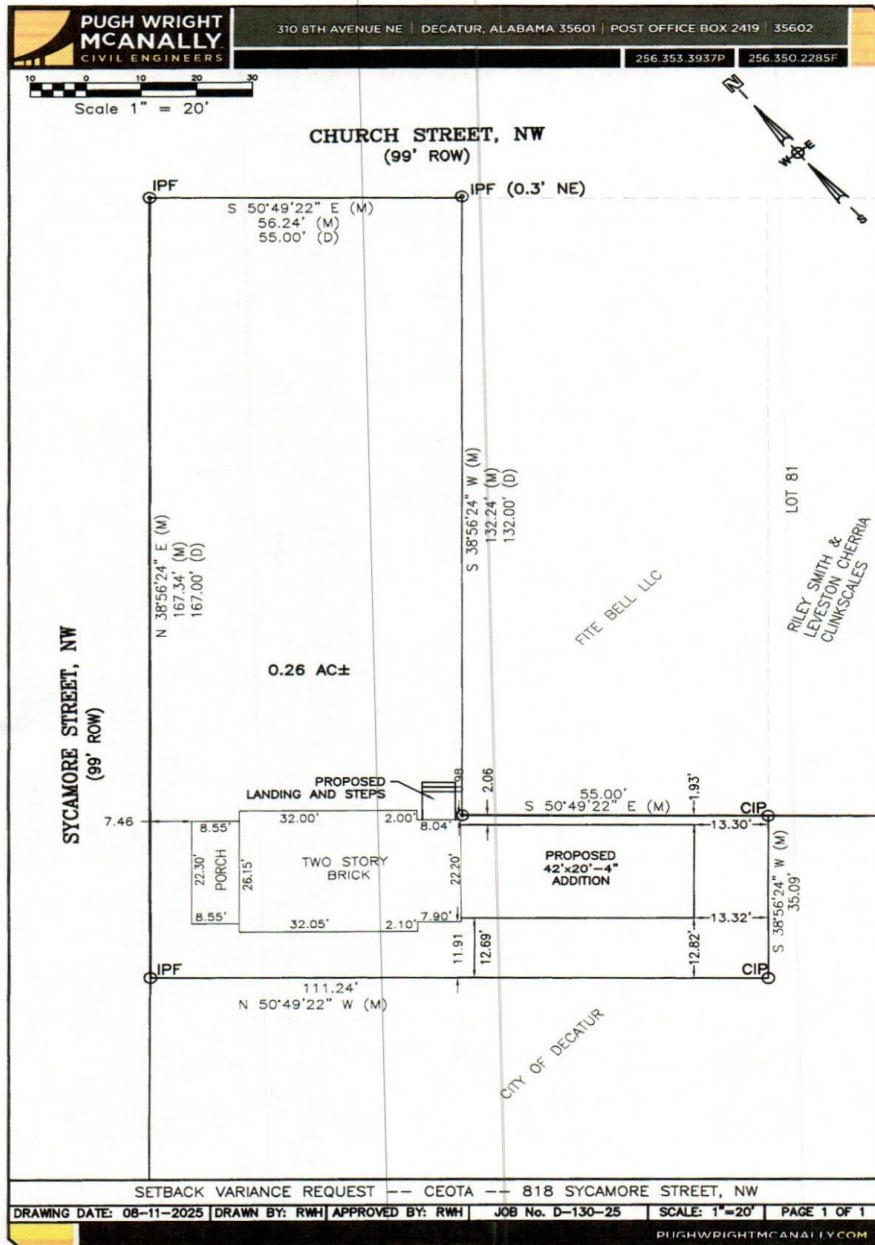
For the case to be heard*****

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

Proposed work is an addition to the existing historic structure. The addition will be built on the rear and extend into the rear yard. Because the existing structure is located near the current parcel boundary, the side and rear setbacks per zoning cannot be achieved. The addition will be slightly narrower than the existing structure. We request a rear setback variance of 7'-6" feet (leaving a rear setback of 12'-6"), a side yard setback variance on the northeasterly (left) side of 23'-6" feet (leaving a setback of 1'-6") and a side yard setback variance on the southwesterly (right) side of 3'-0" (leaving a setback of 12'-0").

Applicant Name (print) <u>Frances Tate</u>	If applicant is using a representative for the request both signatures are required	Office Use Received By: _____
Signature <u>Frances Tate</u>		Zone <u>I-D</u>
Representative Name (print) <u>Richard Humphrey</u>		Hearing Date <u>8/26/25</u>
Signature <u>R. H.</u>		Approved Disapproved _____
Date <u>8/11/25</u>		

CASE NO. 3 818 SYCAMORE STREET NW



Survey



CITY OF DECATUR BOARD OF ZONING ADJUSTMENT
APPLICATION FOR HOME CHILD CARE FACILITY

APPLICANT:	<u>Hannah McCollum</u>
MAILING ADDR:	<u>1409 8Th Ave. Se.</u>
CITY STATE ZIP:	<u>Decatur, AL 35601</u>
PHONE:	<u>(256) 701-7135</u>
PROPERTY OWNER:	<u>Hannah and Griffin McCollum</u>
OWNER ADDR:	<u>1409 8Th Ave. Se.</u>
CITY STATE ZIP:	<u>Decatur, AL 35601</u>
OWNER PHONE:	<u>(256) 701-7135</u>

ADDRESS OF APPEAL: 1409 8th Ave. SE

MARK CLASS OF DAY CARE YOU DESIRE: (READ ORDINANCE TO DETERMINE CLASSES)

☒ DAY CARE (6 OR LESS)

☐ NIGHTTIME HOME CARE (6 OR LESS)

☒ ~~GROUP DAY CARE (7 TO 12)~~

☐ GROUP NIGHTTIME CARE (7 TO 12 CHILDREN)

Applicant stated 2-6

DESCRIBE HOURS OF OPERATION; PARKING ARRANGEMENTS; PLAY AREA and EQUIPMENT; DO YOU HAVE FENCE, DOG, OR POOL.

Hours: Mon-Fri 6:30am- 5:00pm; Parents would park in the driveway for a few minutes during drop off and pickup; Outdoor play area: Fenced in gravel playground with a plastic play set that includes two slides, a tunnel, and climbing options, a small roller coaster with a riding car, basketball goal, big and small balls, a picnic table, multiple other slides, a paved area for riding cars/ bikes, chalk art, water play, etc.; The playground will be in the fenced backyard that is four feet tall; We do have one indoor dog, but no pool.

<u>Hannah McCollum</u> APPLICANT SIGNATURE	OFFICE USE ONLY REVIEWED BY: <u><i>[Signature]</i></u> HEARING DATE: <u>8/26/25</u> ZONING DISTRICT: <u>R-3</u> APPROVED/DISAPPROVED: _____
Hannah McCollum PRINT NAME	
DATE: <u>August 4, 2025</u>	

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 10 of the month to be heard on the last Tuesday. Applicants MUST be present in order for the case to be heard. Request a copy of this application.

CASE NO. 4 1409 8TH AVENUE SE

CITY OF DECATUR

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Willowgate Homes LLC
MAILING ADDR: 28 Ginsberg Rd
CITY, STATE, ZIP: Madison, AL 35756
PHONE: (256) 227-9106

PROPERTY OWNER: John Michael Harbin
OWNER ADDR: 28 Ginsberg Rd
CITY, STATE, ZIP: Madison, AL 35756 PHONE: (256) 227-9106

ADDRESS FOR APPEAL: 4522 Ivy Dale Rd 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)

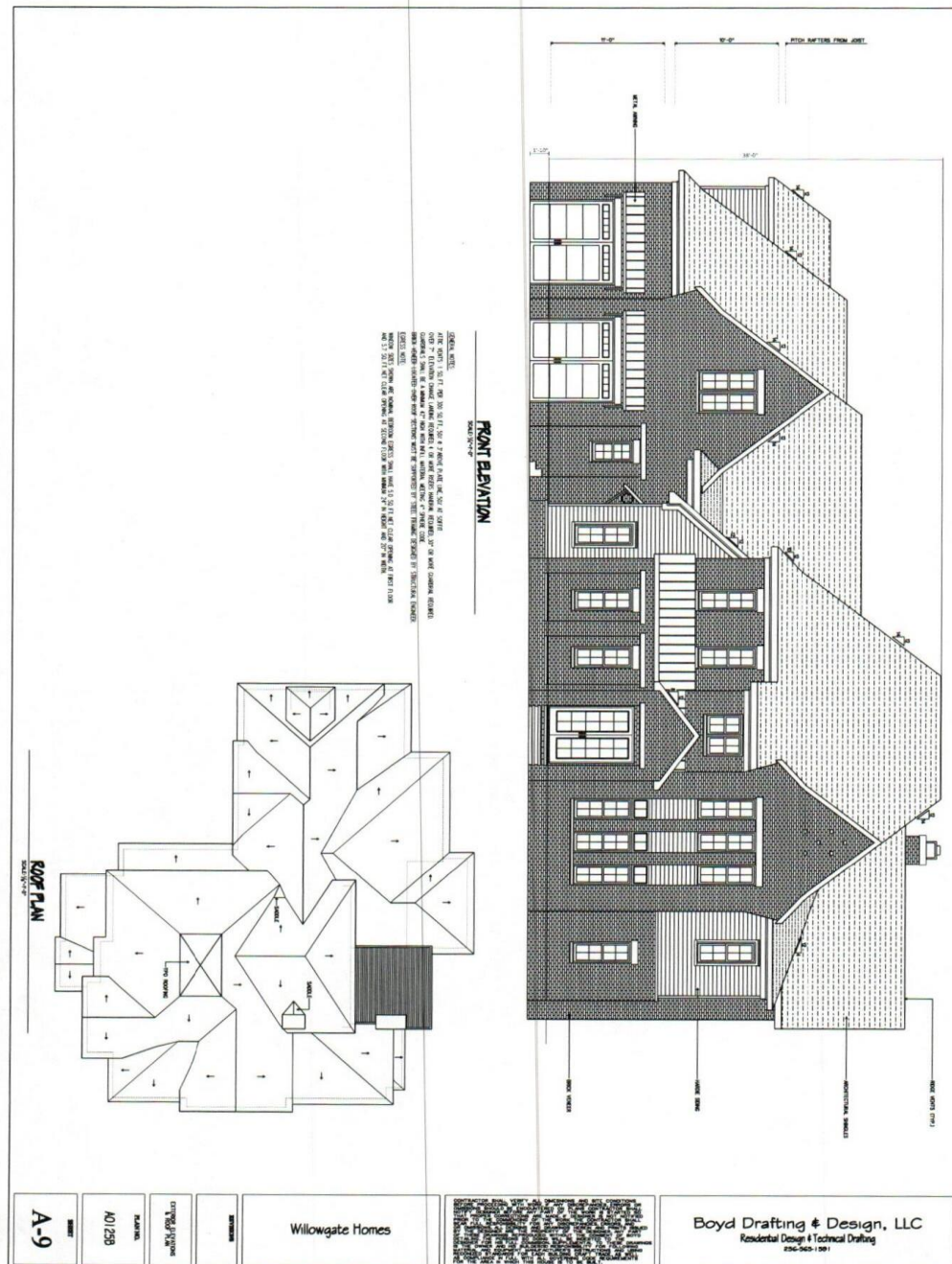
Asking for a 3' building height variance.

Applicant Name (print) John Michael Harbin
Signature [Signature]
Representative Name (print) John Michael Harbin
Signature [Signature]
Date 8/12/25

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

Office Use Received By: [Signature]
Zone A6-1
Hearing Date 8/26/25
Approved/Disapproved

CASE NO. 5 4522 IVY DALE ROAD SE



Front Elevation