

## **MEMORANDUM**

**DATE:** January 27<sup>th</sup>, 2026

**TO:** Board of Zoning Adjustment

### **BZA MEETING**

### **City Council Chambers**

January 27th, 2026

Meeting - 4:00 p.m.

### **Pre-Meeting**

### **City Council Chambers**

Meeting 3:15 p.m.



**AGENDA**  
**CITY OF DECATUR**  
**BOARD OF ZONING ADJUSTMENT AGENDA**  
**LOCATION: 402 Lee Street (City Hall Council Chambers)**  
**January 27<sup>th</sup>, 2026**  
**4:00 PM**

**Roll Call:**

Chester Ayers, Tom Polk, Mark McCurry, Flor Gonzalez, Mark Moody

**Minutes:** November, 2025

**New Business:**

1. 260127-01 **VARIANCE:**

To allow an accessory structure to encroach on the side setbacks  
707 Prospect Drive  
Donald Hartsell Jr,  
Petitioner

***Public Hearing  
District 2***

2. 260127-02 **VARIANCE:**

To allow a reduction of parking spaces  
715 Summit Drive SE  
Roger Stephenson,  
Petitioner

***Public Hearing  
District 2***

3. 260127-03 **USE-VARIANCE:**

To allow an indoor recreation center  
715 Summit Drive SE  
Roger Stephenson,  
Petitioner

***Public Hearing  
District 2***

**Other Business:**

1. BZA By-Laws & Elections

**Adjourn:**

PLANNING AND DEVELOPMENT

402 Lee Street NE \ Decatur, AL 35603 \ (256)341-4720 \ Planning@Decatur-al.gov

Board of Zoning Adjustment  
Staff Report



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**Variance: 260127-01**

**MEETING DATE:** January 27<sup>th</sup>, 2026

**PETITIONER:** Donald Wayne Hartselle Jr.

**PROPERTY OWNER:** Donald Wayne Hartselle Jr.

**SUBJECT ADDRESS:** 707 Prospect Drive SE

**REQUEST:** Variance to allow an accessory structure to encroach on the side setbacks by five feet

**CURRENT ZONING:** RSF-7 (Residential District Single-Family)

**LOCATION:** 707 Prospect Drive SE

**SURROUNDING LAND** North: INST (Institutional)

**USES AND ZONING:** South: RSF-7 (Residential Single-Family)  
East: RSF-7 (Residential Single-Family)  
West: RS-7 (Residential Single-Family)

**DEVELOPMENT STATUS & HISTORY:**

Previous Requests: N/A

**DESCRIPTION OF VARIANCE REQUEST:**

1. Variance to allow accessory structure to encroach on the side setbacks by 5 ft (Sec. 25-4.3.3.(c)(4))

## **APPLICANT'S HARDSHIP (FROM APPLICATION):**

The applicant's hardship is related to the irregular shape of the lot. The western property line includes an approximately five-foot indentation, which limits buildable area and necessitates shifting the accessory structure toward the east.

## **ZONING ORDINANCE REFERENCED**

### **Sec. 25-4.3.3. General Standards for All Accessory Uses and Structures**

- a) **Applicability**-The standards in this section apply to all accessory uses and structures.
- b) **Not Established Prior to Principal Use** -Accessory uses and structures shall not be established prior to the establishment of the principal use on the lot.
- c) **Location on Lot**
  - (1) Except for fences and accessory structures identified in subsection (2) below, accessory structures shall comply with the minimum front setback requirements that apply to principal structures in the zoning district in which the structure is located. In Residential districts, accessory structures located in a front yard shall not exceed four feet in height, except as otherwise provided by this Ordinance.
  - (2) Flag poles, mailboxes, basketball standards, and similar freestanding structures may be located in the minimum required front setback.
  - (3) Subject to subsections (4) and (5) below, accessory structures shall be set back a minimum of five feet from all side and rear lot lines.
  - (4) Accessory structures greater than 12 feet in height shall be set back from all side and rear lot lines a minimum distance of ten feet or the applicable minimum setback for principal structures in the district in which the structure is located, whichever is less.
  - (5) A carport, porte-cochere, porch, or similar structure that is attached to or situated within five feet of the principal structure on the lot shall be considered as a part of the principal structure and shall be subject to the minimum setback requirements of the district in which it is located.

## **ANALYSIS:**

The applicant is requesting a variance from Section 25-4.3.3(c)(4), which requires "accessory structures greater than 12 feet in height to be set back a minimum of ten feet from all side and rear lot lines, or the applicable minimum setback for principal structures in the district, whichever is less." The proposed accessory structure encroaches into the required ten-foot side setbacks on both sides of the lot. On the west side, the structure will be located 5 feet from the property line, requiring a variance of 5 feet. On the east side, the structure will encroach by 5 feet, requiring a 5-foot side setback variance.

## **RECOMMENDATION**

The Planning Department recommends Approval

## FRONT ELEVATION



## SOUTH ELEVATION



## WEST ELEVATION



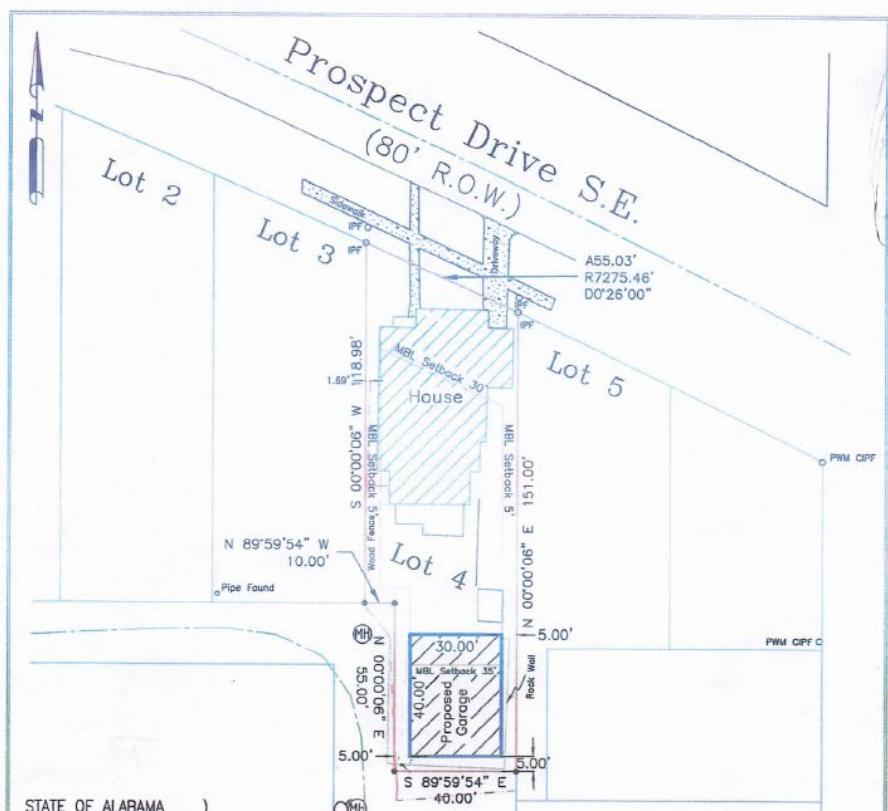
## NORTH ELEVATION



## EAST ELEVATION



# SURVEY

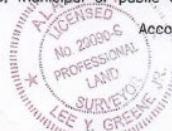


STATE OF ALABAMA  
MORGAN COUNTY

I, Lee Y. Greene, Jr., a Registered Professional Engineer and Land Surveyor of Hartselle, Alabama hereby certify that all parts of this survey have been completed in accordance with the requirements of the Standards of Practice for Land Surveying in the State of Alabama, and that the foregoing is a true and correct plat or map of the following real estate, to-wit:

Lot 4, D.L.I. & F. Co., Addition 4, Amendment B, Decatur, Morgan County, Alabama as shown by map or plat of said subdivision file and of record in the Office of the Judge of Probate of Morgan County, Alabama in Plat Book 1 at Page 19.

I further certify that there are no encroachments by buildings on the adjoining property; and that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface of the ground; there are no electric or telephone wires (excluding wire which serves the premises only) or structures or supports thereof including poles, anchors and guy wires on or over said premises, except as shown. Subsurface and environmental conditions were not surveyed or examined or considered as part of the survey. No evidence or statement is made concerning the existence of underground or overhead conditions, containers, facilities, or any historical or cultural resources that may affect the use or development of this property. The professional surveyor has made no investigation of independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on site, whether private, municipal or public owned.



According to my survey this the 30th day of July, 2025.

Lee Y. Greene, Jr., PE/PLS  
Alabama Reg. No. 29090-S

ZONING: R-3

0 30 60 90

LEGEND OF SYMBOLS	
<input type="checkbox"/>	Bearings based on deed or plat
<input type="checkbox"/>	Contour (elevation)
<input type="checkbox"/>	Construction (elevation)
<input type="checkbox"/>	Utility Lines
<input checked="" type="checkbox"/>	1/2" Iron Pin Set w/ Cap Stamped "GREENE 29090-S"
<input type="checkbox"/>	Monument Found
<input type="checkbox"/>	Surveyor's Signature
<input type="checkbox"/>	POC = Point of Commencement
<input type="checkbox"/>	POB = Point of Beginning
<input type="checkbox"/>	PLS = Professional Land Surveyor

I hereby certify (or state) that all parts of this map and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief."

Surveyor's Signature: *Lee Y. Greene, Jr.* Date: *7/30/25*  
Alabama License Number: *29090-S* Data: *7/30/25* 2025  
Not Original without Red Seal and Dated Signature.  
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Lee Y. Greene & Associates, Inc.  
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www.leygreenes.com  
Alabama CA Number: 1332-E, 389-LS

Drawing Date: 7/28/25 Field Survey: 7/28/25  
Drawn By: LYG-2 File Number: 2025159.dwg Sheet: 1 of 1

Board of Zoning Adjustment  
Staff Report



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**Variance 260127-02**

**MEETING DATE:** January 27<sup>th</sup>, 2026  
**PETITIONER:** Pugh Wright McAnally  
**PROPERTY OWNER:** Roger Stephenson  
**SUBJECT ADDRESS:** 715 Summit Drive SE  
**REQUEST:** Variance to allow a reduction of parking spaces  
**CURRENT ZONING:** Light Industrial District (LI)  
**LOCATION:** 715 Summit Drive SE  
  
**SURROUNDING LAND** North: Urban Corridor Mixed Use District (UC-MX)  
  
**USES AND ZONING:** South: Urban Corridor Mixed Use District (UC-MX)  
East: Urban Corridor Mixed Use District (UC-MX)  
West: Urban Corridor Mixed Use District (UC-MX)

**DEVELOPMENT STATUS & HISTORY:**

Previous Requests: N/A

**DESCRIPTION OF VARIANCE REQUEST:**

Variance to allow a reduction of parking spaces from 75 required to 54 proposed

## **APPLICANT'S HARDSHIP (FROM APPLICATION):**

Requiring the full 75 spaces would impose an unnecessary hardship by mandating parking that is not supported by the actual use of the building, leading to over-parking, inefficient land use, and additional impervious area without a corresponding public benefit. The requested reduction maintains sufficient parking while supporting responsible site design consistent with the operational reality of the facility.

## **ZONING ORDINANCE REFERENCED**

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES

PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
Personal grooming or well-being service	2.0 per 1,000 sf
Personal or household goods repair	2.0 per 1,000 sf
Studio	2.0 per 1,000 sf
<b>Recreation/Entertainment</b>	
Art gallery	2.5 per 1,000 sf
Country club	2.5 per 1,000 sf
Golf course	5.0 per hole
Performing arts center	1.0 per 4 seats design capacity
<b>Recreation facility, Indoor</b>	<b>5.0 per 1,000 sf</b>
Recreation facility, Outdoor	1.0 per 5 seats or 1.0 per 5,000 sf outdoor area
Sexually-oriented business	3.3 per 1,000 sf
Stadium, arena, or amphitheater	3.0 per 1,000 sf
<b>Retail Sales and Services</b>	
ABC store	3.3 per 1,000 sf
Bank or financial institution	3.3 per 1,000 sf
Consumer goods establishment	3.3 per 1,000 sf
Pawnshop	3.3 per 1,000 sf
Self-service storage	1.0 per 200 rental spaces
Self-service storage, indoor climate controlled	1.0 per 200 rental spaces
Small loan establishment	3.3 per 1,000 sf
<b>Vehicle Sales and Services</b>	
Commercial fuel depot	1.0 per employee
Commercial vehicles sales and rentals	3.3 per 1,000 sf
Commercial vehicle service and repair	3.0 per repair bay
Personal vehicle car wash	3 per wash bay
Personal vehicle sales and rental	3.3 per 1,000 sf
Personal vehicle service and repair	3.0 per repair bay
Vehicle fueling station	3.3 per 1,000 sf
<b>Visitor Accommodations</b>	
Campground	1.0 per campsite
Hotel or motel	1.0 per bedroom
Tourist home	1.0 plus 1.0 per bedroom

**ANALYSIS:**

The applicant is requesting a variance from Section 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES, which requires indoor recreation facilities to have 5 spaces per 1,000 square feet. The applicant is required to have 75 spaces and is requesting a reduction of 21 spaces for a total of 54 spaces.

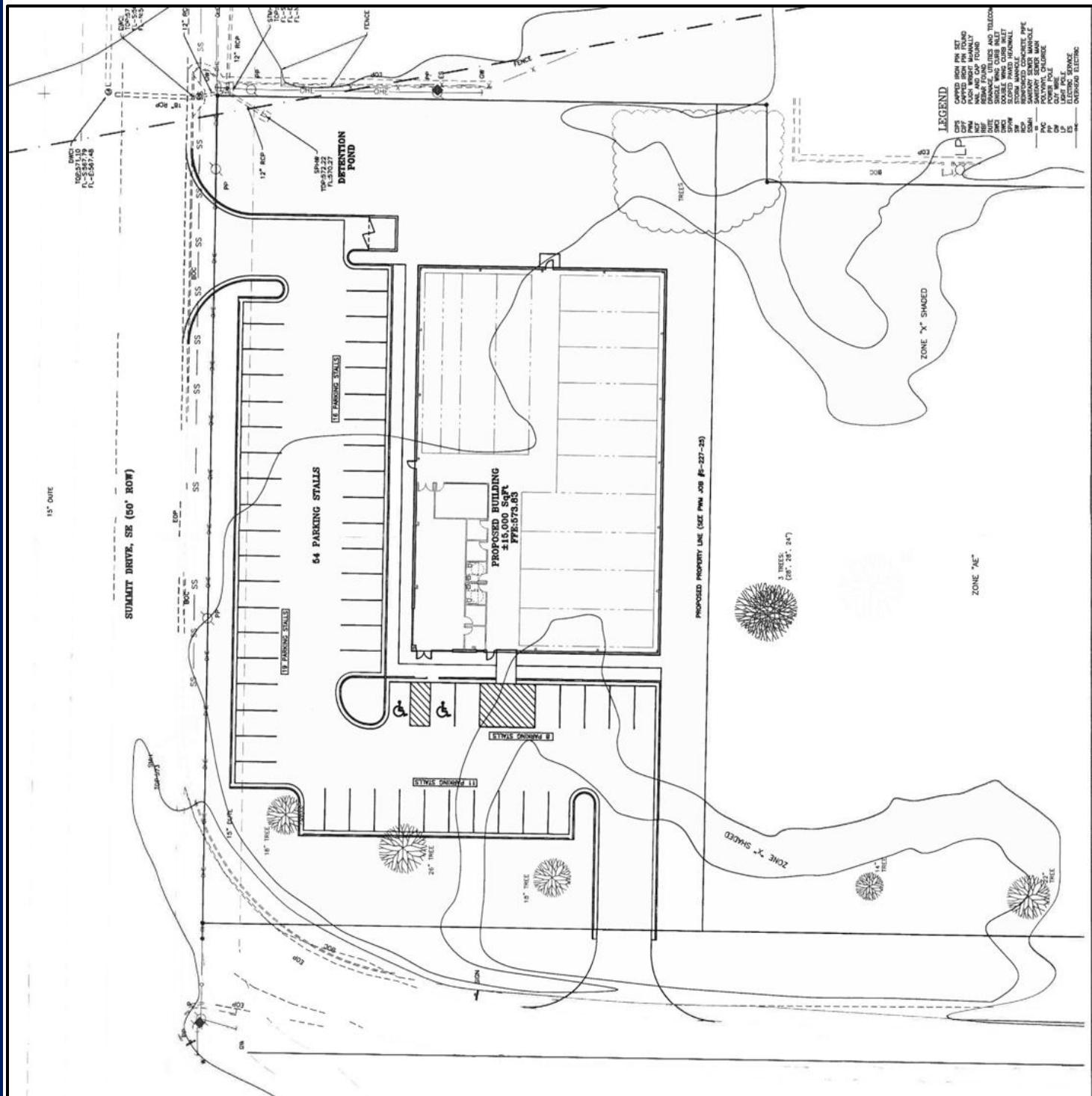
**RECOMMENDATION:**

The Planning Department recommends approval based on the following considerations. Excessive parking areas can negatively impact drainage, and recent development trends indicate a shift toward smaller parking lots. Additionally, parking requirements for indoor recreation facilities vary by local zoning regulations; however, common standards typically require one parking space per 200–300 square feet of gross floor area.

## FRONT ELEVATION



## PROPOSED PARKING LOT AND BUILDING



Board of Zoning Adjustment  
Staff Report



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**Variance 260127-03**

**MEETING DATE:** January 27<sup>th</sup>, 2026  
**PETITIONER:** Pugh Wright McAnally  
**PROPERTY OWNER:** Roger Stephenson  
**SUBJECT ADDRESS:** 715 Summit Drive SE  
**REQUEST:** Use Variance to allow indoor recreation center.  
**CURRENT ZONING:** Light Industrial District (LI)  
**LOCATION:** 715 Summit Drive SE  
  
**SURROUNDING LAND** North: Urban Corridor Mixed Use District (UC-MX)  
  
**USES AND ZONING:** South: Urban Corridor Mixed Use District (UC-MX)  
East: Urban Corridor Mixed Use District (UC-MX)  
West: Urban Corridor Mixed Use District (UC-MX)

**DEVELOPMENT STATUS & HISTORY:**

Previous Requests: N/A

**DESCRIPTION OF VARIANCE REQUEST:**

Use Variance to allow an Indoor Recreation Facility for the development of a D-BAT indoor baseball and softball training facility.

## **APPLICANT'S HARDSHIP (FROM APPLICATION):**

At the time initial development plans and due diligence efforts were undertaken, the subject property was zoned M-2 General Industry under the City of Decatur's former Zoning Ordinance. Under that ordinance, the proposed use was consistent with the intent and character of the district. During the site planning process, the City adopted a new Zoning Ordinance, and the property was reclassified to Industrial District (I). Under the current Principal Use Table (Table 25-4.2.2(E)), Indoor Recreation Facilities are no longer permitted within this district.

## **ZONING ORDINANCE REFERENCED**

**TABLE 25-4.2.2(E): PRINCIPAL USE TABLE**

Section 25-4.2 Principal Uses  
Sec. 25-4.2.2 Principal Uses

**TABLE 25-4.2.2(E): PRINCIPAL USE TABLE**  
P = Permitted by right, or, in R-PD, MEC-PD, or TN-PD district, permitted if specified in PD Plan  
S = Special Exception Use | blank cell = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL				INST	BUSINESS				INDUS- TRIAL	PLANNED DEVELOP- MENT	USE-SPECIFIC STANDARDS												
	AG	RS-E	RS-10	RS-7	RS-5		RMAN	RS-A	RM-M	RM-H				CN	CC	CR	CB	UC-MX	O-MX	U	-	R-PD	MEC-PD	TN-PD	
<b>COMMERCIAL</b>																									
<b>ANIMAL CARE</b>																		Sec. 25- 4.2.4(e)(1)(i)							
Kennel	P													P	P	P	P	P	P	P	P				
Pet care service	P													P	P	P	P	P	P	P	P				
Veterinary hospital or clinic	P													P	P	P	P	P	P	P	P	Sec. 25- 4.2.4(e)(1)(ii)			
<b>BUSINESS SERVICE</b>																									
Business service center														P	P	P	P	P	P	P	P				
Catering service														S	P	P	P	P	P	P	P				
Conference, training, or events center	S													P	P	P	P	P	S	P	P	Sec. 25- 4.2.4(e)(2)(i)			
<b>EATING OR DRINKING ESTABLISHMENTS</b>																									
Bar														P	P	S	P	P	S	P	P				
Brewpub														S	P	P	P	P	P	P	P	Sec. 25- 4.2.4(e)(3)(ii)			
Nightclub															S	S						Sec. 25- 4.2.4(e)(3)(iii)			
Restaurant														S	P	P	P	P	P	P	P				
<b>OFFICE</b>																									
Office, Contractor														P	P		P	P				Sec. 25- 4.2.4(e)(3)(i)			
Office, General business and professional														S	S	P	P	P	P	P	P				
<b>PERSONAL SERVICES</b>																									
Dry-cleaning service														P	P	P	P	P	P	P	P				
Laundry, Self-service														P	P	P	P	P	P	P	P				
Personal grooming or well-being service														S	S	P	P	P	P	P	P				
Personal or household goods repair														S	S	P	P	P	P	P	P				
Studio														S	S	P	P	P	P	P	P				
Tattoo and/or Body Piercing Parlors															P	P	S	P	P						
<b>RECREATION/ENTERTAINMENT</b>																									
Art gallery								S						S	P	P	P	P	P	P	P				
Country club	S	S													S	S		S	S	S	P				
Golf course	S	S	S	S	S										S	S	S	S	S						
Performing arts center														P	P	P	P	P	P	P	P				
Recreation facility, Indoor														S	P	P	P	P	P	P	P				
Recreation facility, Outdoor	S													P	P	S	P	P	P	P	P				

## **ANALYSIS:**

The applicant is requesting a **use variance** to establish an indoor recreational facility in an Industrial (I) zoning district.

A use variance is a formal exception that allows a property owner to use their land in a manner not typically permitted under current zoning regulations. In other words, it provides permission for a use that the zoning code would otherwise prohibit.

While the Planning Department generally does not recommend use variances, in this case, the surrounding area contains similar and compatible businesses. Therefore, the Planning Department does not have any objections to this request.

## **RECOMMENDATION**

The Planning Department recommends Approval

## FRONT ELEVATION



## PROPOSED PARKING LOT AND BUILDING

