



**AGENDA
CITY OF DECATUR
BOARD OF ZONING ADJUSTMENT AGENDA
LOCATION: 402 Lee Street (City Hall Council Chambers)
February 24th, 2026
4:00 PM**

Roll Call:

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

New Business:

1. 260224-02 **USE-VARIANCE:**
To allow a boutique in an industrial
zone
212 1st Ave SW
Sonya Ayers,
Petitioner

***Public Hearing
District 1***

Minutes:

January, 2025

Adjourn:

PLANNING AND DEVELOPMENT

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

Board of Zoning Adjustment
Staff Report



Use-Variance 260224-02

MEETING DATE: February 24th, 2026
PETITIONER: Sonya Ayers
PROPERTY OWNER: Rodney Gordon
SUBJECT ADDRESS: 212 1st Ave SW
REQUEST: Use Variance to allow a Boutique in an industrial district
CURRENT ZONING: Industrial District (I)
LOCATION: 212 1st Ave SW

SURROUNDING LAND North: Industrial (I)
USES AND ZONING: South: Industrial (I)
East: Industrial (I)
West: Industrial (I)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

Use Variance to allow a boutique in an industrial district.

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 classified to Industrial District (I). Under the current Principal Use Table (Table 25-4.2.2(E)), "Consumer goods establishment" 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
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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								INDUST	BUSINESS						INDUSTRIAL	PLANNED DEVELOPMENT			USE-SPECIFIC STANDARDS	
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RIM-M	RIM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD		TN-PD
Sexually-oriented business																						Regulated by Chapter 2.6 of the City Code
Stadium, arena, or amphitheater										S	S	S	S	S	S	S						
RETAIL SALES AND SERVICES																			Sec. 25-4.2.4(e)(4)(i)			
ABC store										S	P	P	P	P	P	P			P	P	P	
Bank or financial institution						S			S	P	P	P	P	P	P	S			P	P	P	
Consumer goods establishment						S				P	P	P	P	P	P	P			P	P	P	
Florist										P	P	P	P	P	P	P			P	P	P	
Pawnshop											P											Sec. 25-4.2.4(e)(4)(ii)
Self-service storage										S	P								P	P		Sec. 25-4.2.4(e)(4)(iii)
Self-service storage, indoor climate-controlled											P	P		P	P	P						Sec. 25-4.2.4(e)(4)(iii)
Small loan establishment											P											Sec. 25-4.2.4(e)(4)(iv)
VEHICLE SALES AND SERVICES																						
Commercial fuel depot										S									P	P		
Commercial Parking Off Street Use														S					P			
Commercial vehicle sales and rentals												P							P	S		
Commercial vehicle service and repair																			P	S		Sec. 25-4.2.4(e)(5)(i)
Personal vehicle car wash											P	P		P		P						
Personal vehicle sales and rental											P	P										Sec. 25-4.2.4(e)(5)(ii)
Personal vehicle service and repair											P	P										Sec. 25-4.2.4(e)(5)(iii)
Truck Stop												S							P	P		
Vehicle fueling station										S	P	P	P	P	P	P			P	P		Sec. 25-4.2.4(e)(5)(iv)
VISITOR ACCOMMODATIONS																						
Campground	S																					Sec. 25-4.2.4(e)(6)(i)
Hotel or motel											P	P	P	P					P	P	P	
Tourist home																						Error! Reference source not found.

ANALYSIS:

The applicant is seeking approval of a use variance to operate a boutique within the Industrial (I) zoning district.

A use variance is a formal authorization that permits a property to be used in a way that is not ordinarily allowed under the existing zoning regulations. Essentially, it approves a use that would otherwise be prohibited by the zoning ordinance.

Although the Planning Department typically does not support use variances, staff notes that the surrounding area includes similar and compatible commercial uses. As a result, the Planning Department has no objection to the requested variance.

RECOMMENDATION

The Planning Department recommends approval of the requested use variance. However, staff notes that rezoning the property to a Community Commercial (CC) district would be a more appropriate long-term zoning classification for the parcel, as it would better align with the existing and proposed uses in the area.

FRONT ELEVATION

