

MEMORANDUM

DATE: April 30th, 2026

TO: Board of Zoning Adjustment

BZA MEETING

City Council Chambers

April 30th, 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)
April 30th, 2026
4:00 PM**

Roll Call:

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

New Business:

1. 260430-01 **VARIANCE:**
Variance to allow an accessory structure to encroach on the 10' setback by 3'
Pursuant to Sec. 25-4.3.3.
Zone: RS-5 (Residential Single-Family)
2015 Park Terrace SE
Ken Gamble & Stephen Pate, Petitioner

*Public Hearing
District 2*

2. 260430-02 **VARIANCE:**
Variance to allow for an existing non-conforming residential structure to continue the use on a non-conforming lot in RSF-7 zoning requiring a 3,497 sq ft variance.
Pursuant to Sec. 25-4.3.3.
Zone: RS-7 (Residential Single-Family)
323 Memorial Drive NW
Sharell Power for Donita Strong, Petitioner

*Public Hearing
District 1*

Board of Zoning
Adjustment Staff
Report



Variance 260430-01

MEETING DATE: April 30th, 2026

PETITIONER: Ken Gamble & Stephen Pate

PROPERTY OWNER: Ken Gamble

SUBJECT ADDRESS: 2015 Park Terrace SE

REQUEST: Variance to allow an accessory structure to encroach on the 10' setback by 3.'

CURRENT ZONING: RS-5 (Residential Single-Family)

LOCATION: 2015 Park Terrace SE

SURROUNDING LAND North: Residential Single-Family (RS-5)

USES AND ZONING: South: Residential Mixed Medium-Density (RM-M)

East: Residential Single-Family (RS-5)

West: Residential Single-Family (RS-5)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to allow an accessory structure to encroach on the 10' setback by 3'

APPLICANT’S HARDSHIP (FROM APPLICATION):

The applicant is building a pool house (pool was installed last summer). The applicant will be approximately 3’ over the setback. When the applicant started his project the setback was 5’ and they currently have 7’. The ordinance changed as of 1/1/26 the setback to 10’.

ZONING ORDINANCE REFERENCED- Sec. 25-4.3.2 (C) ACCESSORY USES & STRUCTURES

TABLE 25-4.3.2(c): ACCESSORY USES AND STRUCTURES

ACCESSORY USE OR STRUCTURE	AG	RESIDENTIAL								IN-ST	BUSINESS					INDUS-TRIAL	PLANNED DEVELOP-MENT	USE-SPECIFIC STANDARDS			
	AG	RS-E	RS-10	RS-7	RS-5	RM-AN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI		RPD	MEC-PD	TN-PD
Solar energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(p)
Swimming pool (accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 25-4.3.4(q)

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.

(d) Maximum Height

(1) Except as otherwise provided by this Ordinance, accessory structures shall be subject to the same maximum building height standards that apply to principal structures in the district in which they are located.

(2) In Residential districts, an accessory structure shall not be taller than the tallest structure housing a principal use on the lot.

ANALYSIS:

The applicant is requesting a variance to permit an accessory structure exceeding 12 feet in height to encroach 3 feet into the required 10-foot setback.

Per applicable regulations, accessory structures over 12 feet in height must maintain an additional 5-foot setback, for a total setback of 10 feet.

The applicant should have a valid hardship as to why he cannot make the accessory structure (pool house) accommodate the setback.

RECOMMENDATION

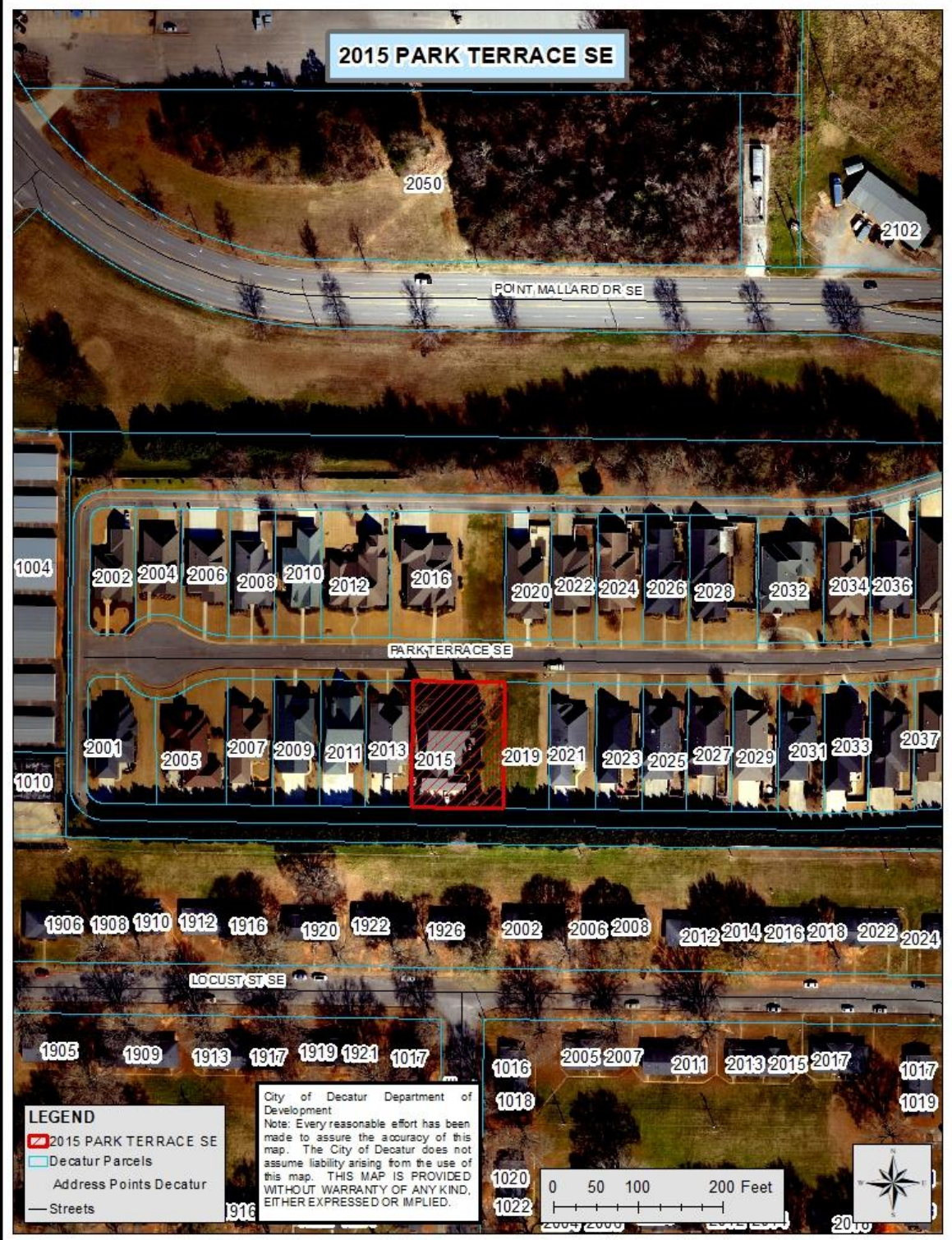
The applicant is requesting relief from the standard requiring accessory structures over 12 feet in height to maintain an increased setback. The ordinance requires a total setback of 10 feet for such structures; however, the proposal would allow an encroachment of 3 feet into that required setback.

The Planning Department has determined, based on a visual inspection of the property, that there are feasible alternatives other than the requested variance. As such, staff finds that a true hardship has not been demonstrated.

2015 PARK TERRACE SE



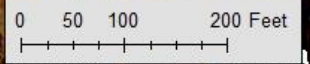
2015 PARK TERRACE SE



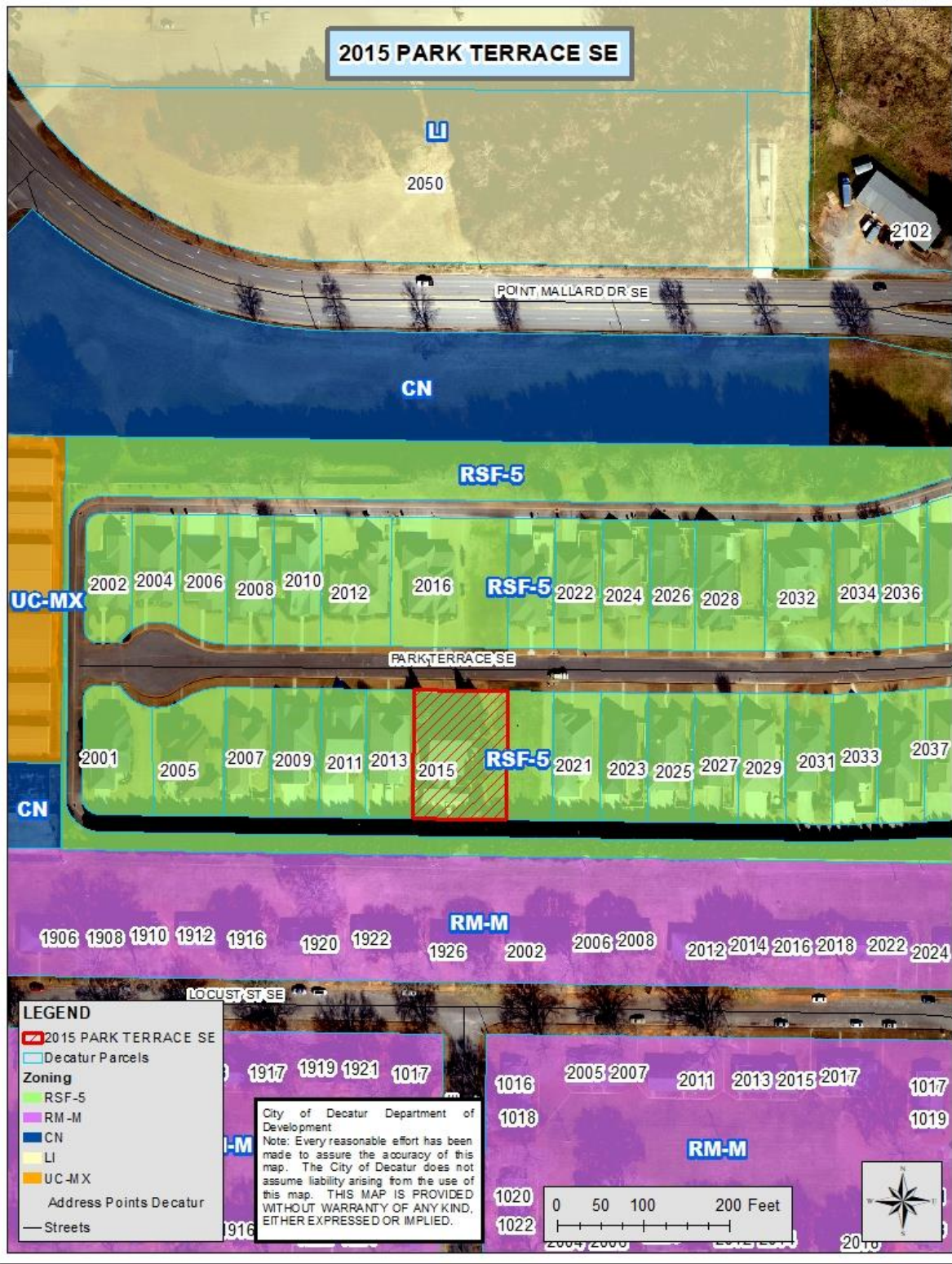
LEGEND

- 2015 PARK TERRACE SE
- Decatur Parcels
- Address Points Decatur
- Streets

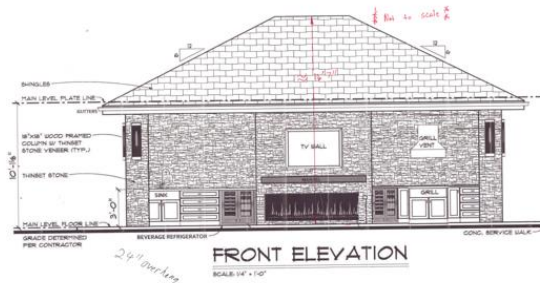
City of Decatur Department of Development
Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.



2015 PARK TERRACE SE



ELEVATION PLAN



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

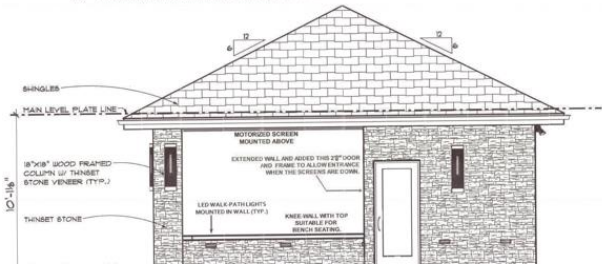
SCALE: 1/4" = 1'-0"



LEFT ELEVATION



RIGHT ELEVATION



ADDITIONAL NOTES:

1. Build a 20' x 25' pool house.
2. Use the existing leftover bricks for the back wall (South side).
3. The remainder of the building's walls and columns will be stacked rock.
4. There will be a half bath restroom at the back southeast corner. This is reversed from the floor plan drawings which shows the bathroom on the back right corner. Bathroom will include a sink, commode, etc.
5. There will be a large storeroom on the back southwest corner. This is reversed from some of the drawings which show it on the opposite corner. This storage room will have shelving on all walls. The walls can be painted concrete block walls or plywood.
6. The power to this building will be extended to the pool equipment behind the pool house.
7. In the large open area of the house, there will be a counter height wall with slab top on the left (east) side. Include lower lighting in the wall to allow illumination of exterior walk paths.
8. In the large open area of the house, there will be a knee-wall with slab top on the right (west) side. This wall will be used for extra seating. Include lower lighting in the wall to allow illumination of exterior walk paths.
9. There will be three large motorized screens (insects, sun, heat retention) on the east, west and north sides that can be raised or lowered. The screen on the front (north) side of the pool house will be full height (floor to soffit). The screens on the east and west sides will be shorter so they can close off the air space between the roof/soffit and the counter/bench walls.
10. There will be a large (60" wide?) outdoor gas fireplace in the center back interior wall below a mantel and a TV mount. There will need to be electrical outlets behind the TV mounting area.
11. The back interior walls will have cabinets and include: two beverage refrigerators, gas grill with hood and sink.
12. The flooring in the large open area of the pool house will be a nice outdoor tile or stone flooring.
13. In the large open area of the house there will be two large ceiling fans (84" Big Ace Fans) and two large (or four small) gas radiant heaters mounted to ceiling area.
14. The ceiling in the large open area of the pool house will be a vaulted ceiling with tongue and groove wood (red cedar?) with exposed and stained rafters, perimeter lighting and recessed LED lights.
15. Include an on-demand Rinnai tankless water heater. We will need water pipe protection because there will not be much protection from severe cold and freezing to the pipes.
16. We would like to have gutters but no downspouts on the front or sides of the Gazebo area.

FLOOR PLAN

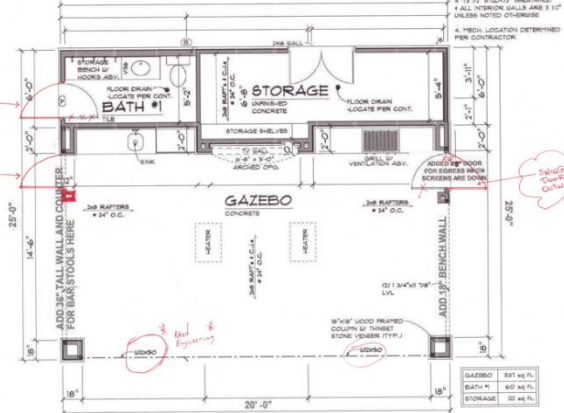
THE ORIGINAL DRAWINGS WERE FOR A 24' x 30' HOUSE. WE HAVE ADAPTED IT TO A 20' x 25' POOL HOUSE. SOME DIMENSIONS MAY BE INCORRECT. NOT TO SCALE.

Some Dimensions Contained
Added the 2'0" Changing Room

OPENING ID	TYPE	PRODUCT CODE	SIZE	COUNT
A	DOOR	ADDSD EXTERIOR 1	7'-0" x 8'-0"	2
B	DOOR	ADDSD EXTERIOR 2	9'-0" x 8'-0"	1

NOTE: THE BATHROOM & STORAGE ROOM HAVE SWAPPED LOCATIONS.

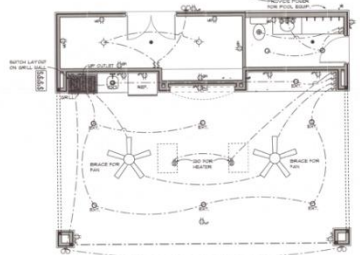
- GENERAL NOTES:
1. ALL MAIN LEVEL WALLS ARE 1/2" 1/4" HIGH UNLESS NOTED OTHERWISE
 2. ALL ANGLED WALLS ARE # 49 C&G UNLESS NOTED OTHERWISE
 3. ALL EXTERIOR WALLS ARE # 7 1/2" STUDS @ 16" ON CENTER
 4. ALL INTERIOR WALLS ARE 3/4" UNLESS NOTED OTHERWISE
 5. TYPICAL LOCATION DETERMINED PER CONTRACTOR



MAIN LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"

ELECTRICAL SYMBOL	SYMBOL
RECESSIBLE WALL SWITCH	SW
RECESSIBLE WALL SWITCH WITH DIMMER	SW-D
RECESSIBLE WALL SWITCH WITH 3-WAY	SW-3W
RECESSIBLE WALL SWITCH WITH 4-WAY	SW-4W
RECESSIBLE WALL SWITCH WITH 5-WAY	SW-5W
RECESSIBLE WALL SWITCH WITH 6-WAY	SW-6W
RECESSIBLE WALL SWITCH WITH 7-WAY	SW-7W
RECESSIBLE WALL SWITCH WITH 8-WAY	SW-8W
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RECESSIBLE WALL SWITCH WITH 14-WAY	SW-14W
RECESSIBLE WALL SWITCH WITH 15-WAY	SW-15W
RECESSIBLE WALL SWITCH WITH 16-WAY	SW-16W
RECESSIBLE WALL SWITCH WITH 17-WAY	SW-17W
RECESSIBLE WALL SWITCH WITH 18-WAY	SW-18W
RECESSIBLE WALL SWITCH WITH 19-WAY	SW-19W
RECESSIBLE WALL SWITCH WITH 20-WAY	SW-20W

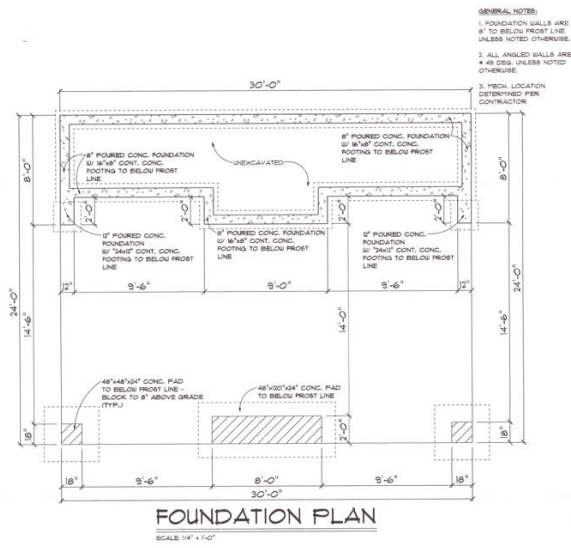
THE BATHROOM & STORAGE ROOM HAVE SWAPPED SIDES.



MAIN LEVEL ELECTRICAL PLAN
 SCALE: 3/4" = 1'-0"

TITLE	
DATE	
REVISION	
ERN & M. GABLE POOL HOUSE 2015 PARK TERRACE SE DECATUR, ALABAMA	
SHEET 4 1/4" = 1'-0"	

FOUNDATION PLAN



<table border="1"> <tr> <td>PROJECT</td> </tr> <tr> <td>DATE</td> </tr> <tr> <td>REVISION</td> </tr> </table>	PROJECT	DATE	REVISION
PROJECT			
DATE			
REVISION			
MARIBOL			
<p>2022</p> <p>29917</p>			
<p>3</p>			

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Board of Zoning
Adjustment Staff
Report



Variance 260430-02

MEETING DATE: April 30, 2026

PETITIONER: Donita Strong

PROPERTY OWNER: Donita Strong and Carrie Wiggins

SUBJECT ADDRESS: 323 Memorial Drive

REQUEST: Variance to allow a lot area that is 3,497 square feet less than the minimum required by zoning district RSF-7

CURRENT ZONING: RS-7 (Residential Single-Family 7)

LOCATION: 323 Memorial Drive

SURROUNDING LAND North: Residential Single-Family (RS-7)

USES AND ZONING: South: Residential Single-Family (RS-7)

East: Residential Single-Family (RS-5)

West: Residential Single-Family (RS-7)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to allow a nonconforming lot area that is 3,497 sq ft. less than the minimum required by the zoning district RSF-7

APPLICANT’S HARDSHIP (FROM APPLICATION):

This hardship was not self-imposed, but rather originated in the 1960s when the dwellings were initially constructed. The presence of two dwellings on a single parcel is not ideal for a homeowner; therefore, the applicant is requesting approval to subdivide the property. One resulting parcel will conform to current district requirements, while the second parcel will require a variance of 3,497 square feet to meet minimum lot size requirements.

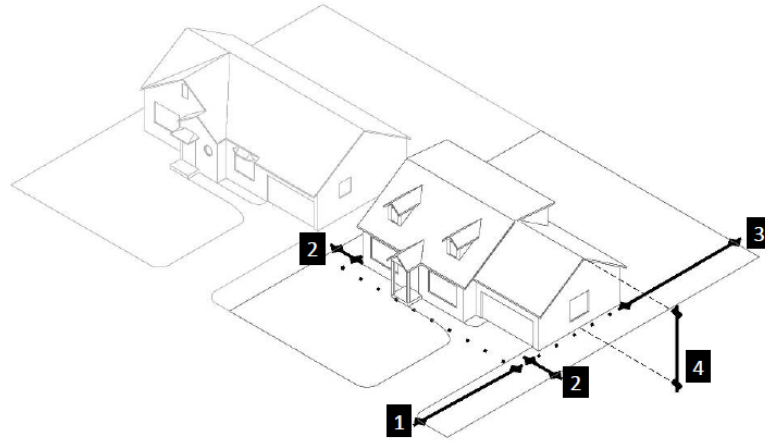
ZONING ORDINANCE REFERENCED- Sec. 25-3.2 Base Districts & Sec 25-3.2.2 Residential Single-Family 10 (RS-10) District

(e) RESIDENTIAL SINGLE-FAMILY 7 (RS-7) DISTRICT

(1) Purpose

The purpose of the Residential Single-Family 7 (RS-7) District is to provide lands that accommodate primarily single-family detached dwelling units on lots with a minimum area of 7,000 square feet. The district also allows uses necessary and incidental to single-family living, and accommodates parks and minor utility facilities. District regulations discourage development that interferes with the quiet residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	7,000
Lot width, min. (ft.)	50
1 Front setback, min. (ft.)	30
2 Side setback, min. (ft.)	6 8 [1]
3 Rear setback, min. (ft.)	35
4 Building height, max.	lesser of 35 ft. or 2.5 stories

NOTES:

[1] The minimum side setback is six feet; however, at least one side setback shall be a minimum of eight feet.

ANALYSIS:

The applicant is requesting a variance to allow a Lot 2B that is 3,497 square feet smaller than required in the RS-7 zoning district. The dwellings on both parcels already exist, and the variance would bring Lot 2A into compliance regarding the size of the lot more than 7,000 sq. ft. This subdivision and consolidation would also allow for the wastewater infrastructure to not be shared by splitting the residential property and the commercial property.

RECOMMENDATION

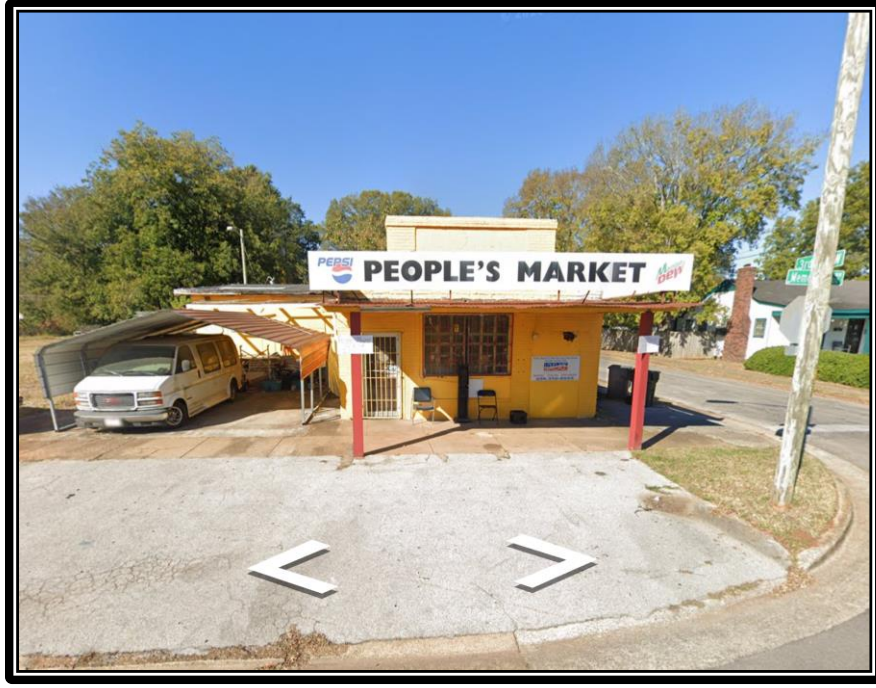
The City of Decatur Planning Department recommends approval of the requested variance to allow a lot area that is 3,497 square feet less than the minimum required in the RS-7 zoning district. The hardship is not self-imposed, as it dates to the original development of the property, when the existing dwellings were constructed.

The proposed subdivision will separate two existing dwellings (which are currently located on a single parcel), creating a more practical and typical ownership pattern. One resulting parcel will meet all applicable zoning requirements, while the second parcel, though undersized, will accommodate an existing dwelling and maintain the established character of the area.

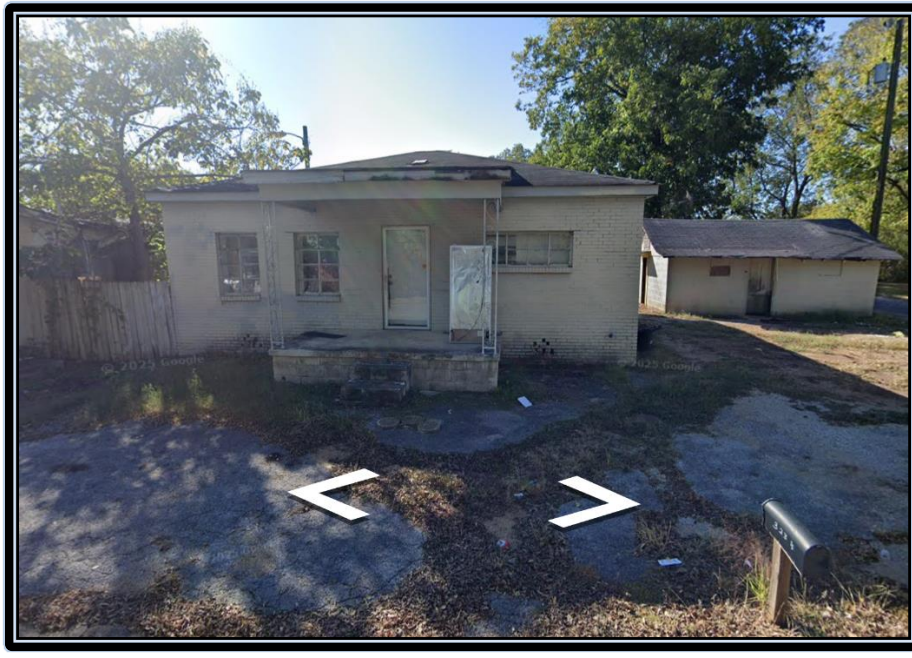
Both uses are considered legally nonconforming and both uses will remain legally nonconforming. Neither structure can be expanded whether this change takes place or not, therefore there isn't any adverse impact from this property change, and at least one of the properties will come into conformity as it relates to the lot size.

FRONT ELEVATION

323 Memorial Drive NW Lot 2A

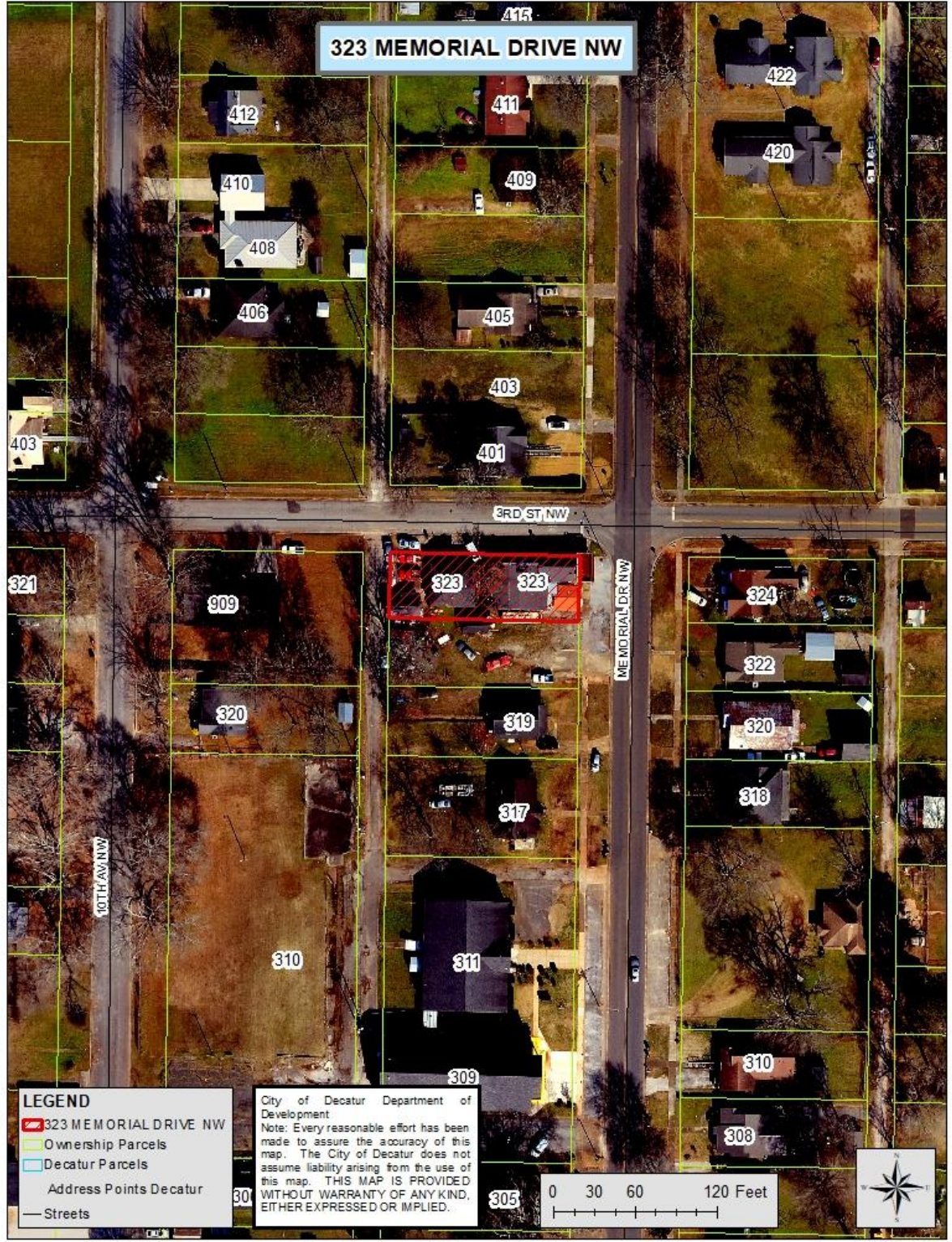


323 Memorial Drive NW Lot 2B



323 Memorial Aerial View

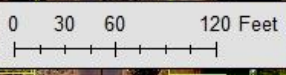


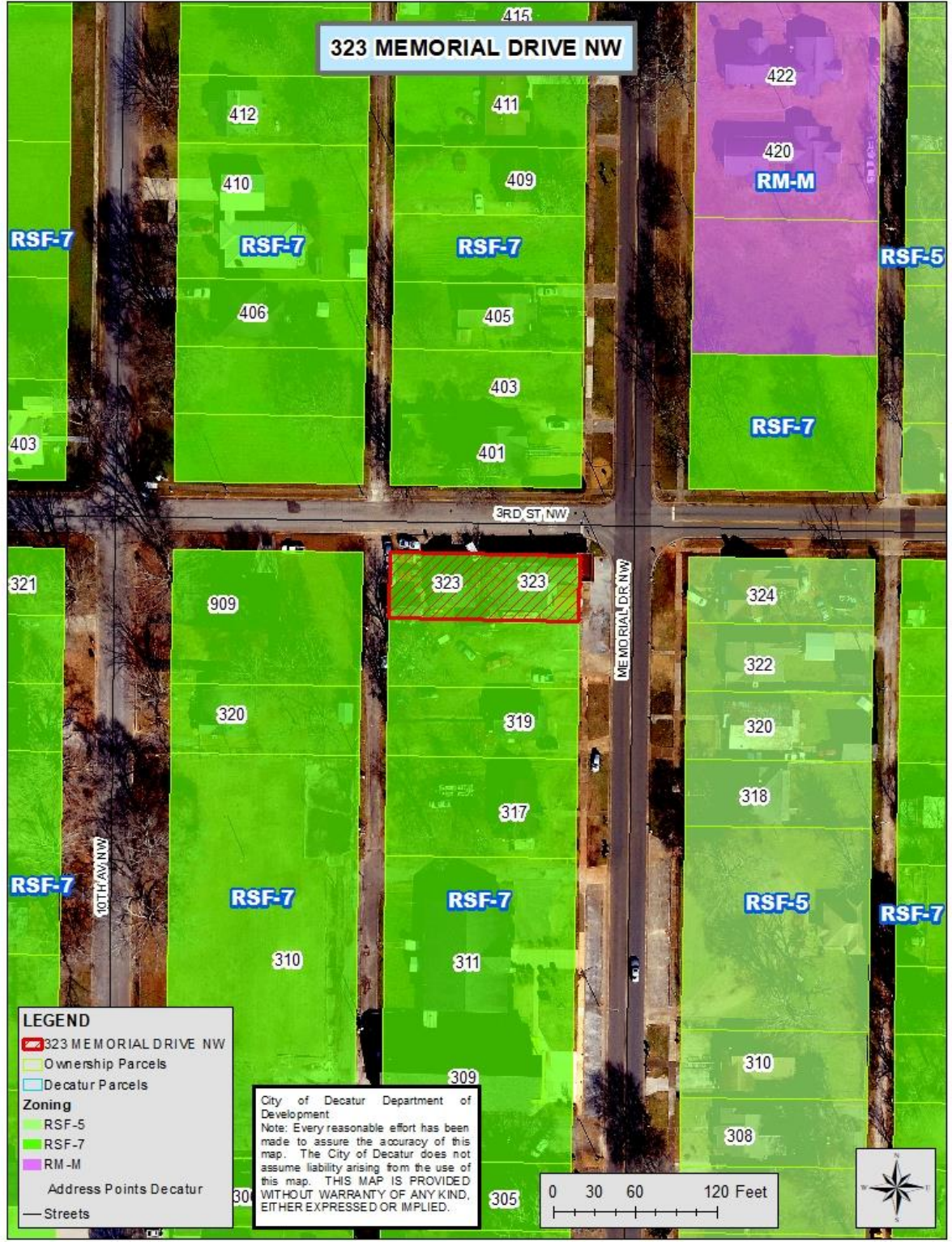


323 MEMORIAL DRIVE NW

LEGEND
 323 MEMORIAL DRIVE NW
 Ownership Parcels
 Decatur Parcels
 Address Points Decatur
 Streets

City of Decatur Department of Development
 Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.





323 MEMORIAL DRIVE NW

LEGEND

- 323 MEMORIAL DRIVE NW
- Ownership Parcels
- Decatur Parcels
- Zoning**
- RSF-5
- RSF-7
- RM-M
- Address Points Decatur
- Streets

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