

MEMORANDUM

DATE: May 26th, 2026

TO: Board of Zoning Adjustment

BZA MEETING

City Council Chambers

May 26th, 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)
May 26th, 2026
4:00 PM**

1. 260526-01 **VARIANCE:** *Public Hearing*
Variance request from the Community Commercial district *District 2*
requirements, including:
1. A front and rear setback of 0 feet
2. Maximum buildable area exceeding the 40% requirement
3. Building height exceeding the 4-story or 55-foot
limitation
Pursuant to Sec. 25-3.2.4.
Zone: CC (Community Commercial)
431 Holly Street NE
City of Decatur, Petitioner
2. 260526-02 **VARIANCE:** *Public Hearing*
Variance to omit frontage, foundation, & perimeter *District 2*
landscaping to construct a parking deck
Pursuant to Sec. 25-5.3.1
Zone: CC (Community Commercial)
431 Holly Street NE
City of Decatur, Petitioner
3. 260526-05 **VARIANCE:** *Public Hearing*
Variance request to deviate from the District Requirements in a *District 3*
Community Commercial District; maximum buildable area
exceeding 40%
Pursuant to Sec. 25-3.2.4.
Zone: CC (Community Commercial)
3430 Indian Hills Road SE
Nicholas Ostrye, Petitioner



4. 260526-04

VARIANCE:

Variance to permit a storage container retrofitted as a small business shop

Pursuant to Sec. 25-4.4.4, (i)

Zone: CBD (Central Business District)

208B 2nd Ave

Kelly Thomas, Petitioner

Public Hearing

District 2

Board of Zoning
Adjustment Staff
Report



Variance 260526-02

MEETING DATE: May 26th, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: City of Decatur

SUBJECT ADDRESS: West of 431 Holly Street NE

REQUEST:

1. A front and rear setback of 0 feet
2. Maximum buildable area exceeding the 40% requirement
3. Building height exceeding the 4-story or 55-foot limitation

CURRENT ZONING: CC (Community Commercial)

LOCATION: 431 Holly Street NE

SURROUNDING LAND North: Community Commercial (CC)

USES AND ZONING: South: Community Commercial (CC)

East: Community Commercial (CC)

West: Central Business (CB)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: Variance to omit frontage, foundation, and perimeter landscaping to construct a parking deck

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a Variance from the Community Commercial district requirements for a proposed development of a 6 level parking deck located at the corner of 4th Avenue NE and Holly Street NE.

APPLICANT'S HARDSHIP (FROM APPLICATION):

October 10th, 2025

To Whom It May Concern
City of Decatur
Planning Department
402 Lee Street NE
Decatur, Alabama 35601

Re: Hardship Letter, Setback Variance Request
Parcel: 03-04-18-4-033-01-0000
Project: Proposed Parking Deck (City of Decatur)
Location: Corner of 4th Avenue NE and Holly St NE

Dear Members of the Board of Zoning Adjustment,

On behalf of the City of Decatur, the developer of the above-referenced property, we respectfully request consideration for a variance to the front setback requirement along 4th Avenue NE. The current front and rear setback requirements are 20 feet, and we are requesting a reduction of 20 feet, resulting in a 0-foot setback to allow for the construction of the parking deck.

The proposed development is a 6 level parking deck located at the corner of 4th Avenue NE and Holly Street NE, an area that has been selected for major developments to the City. The project is a part of several other large developments and will provide the infrastructure to support the additional demands for parking these developments will bring. The parking deck will provide employee parking to existing and future businesses as well as a centralized location for visitors and customers of these businesses to use.

The requested variance is needed to facilitate the required size of the structure to provide the adequate room for parking and traffic circulation in the facility and to permit the structure to remain within the required distance for fire aerial apparatus access. Additionally, an exemption or variance from the max buildable area, max building height requirements, and landscaping requirements are also required.

We believe this request constitutes a valid hardship. The City's desire to establish a parking deck in an area with setbacks significantly reduces to efficiency of building such a structure on the selected lot. The design of the structure also restricts the placement options of the structure for the purpose of accessibility and it's intent to coordinate and service the additional developments in the area. A 20' setback from the property line would also locate the parking deck outside of the required distance from the road for a fire aerial apparatus at ~35' from 4th Avenue. Furthermore, the additional setback requirements and buildable area requirements would hinder the future development of properties in the area of the proposed parking deck by requiring an absurd amount of property to be required to meet the requirements of the current zoning ordinance.

ZONING ORDINANCE REFERENCED- Sec. 25-3.2 Base Districts (Community Commercial)

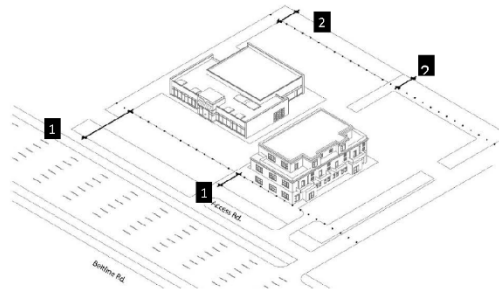
Section 25-3.2 Base Districts
 Sec. 25-3.2.4 BUSINESS DISTRICTS

(d) COMMUNITY COMMERCIAL (CC) DISTRICT

(1) Purpose

The purpose of the Community Commercial (CC) District is to provide lands to accommodate a range of community-serving nonresidential uses, as well as residential uses if they are designed in ways that are integrated with the nonresidential development. The district supports stand-alone general commercial, office, recreation/entertainment, and restaurant development at a moderate scale, as well as mixed-use development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	60 25 [2]
Side setback, min. (ft.)	None 25 [3]
2 Rear setback, min. (ft.)	20
Built area, max. (percent of lot area)	40
Building height, max.	Lesser of 55 ft. or 4 stories

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum front setback is 60 feet for property adjacent to Beltline Road and 25 feet otherwise.
- [3] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

(3) Reference to Other Standards

Development in the CC District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

ANALYSIS:

The applicant is requesting multiple variances from the development standards of the Community Commercial (CC) zoning district in connection with a proposed development project. Specifically, the applicant is requesting relief from the required front setback of 25 feet and rear setback of 20 feet to allow setbacks of zero feet, relief from the maximum allowable building coverage requirement of 40 percent, and relief from the district's maximum building height limitation of four stories or 55 feet.

RECOMMENDATION

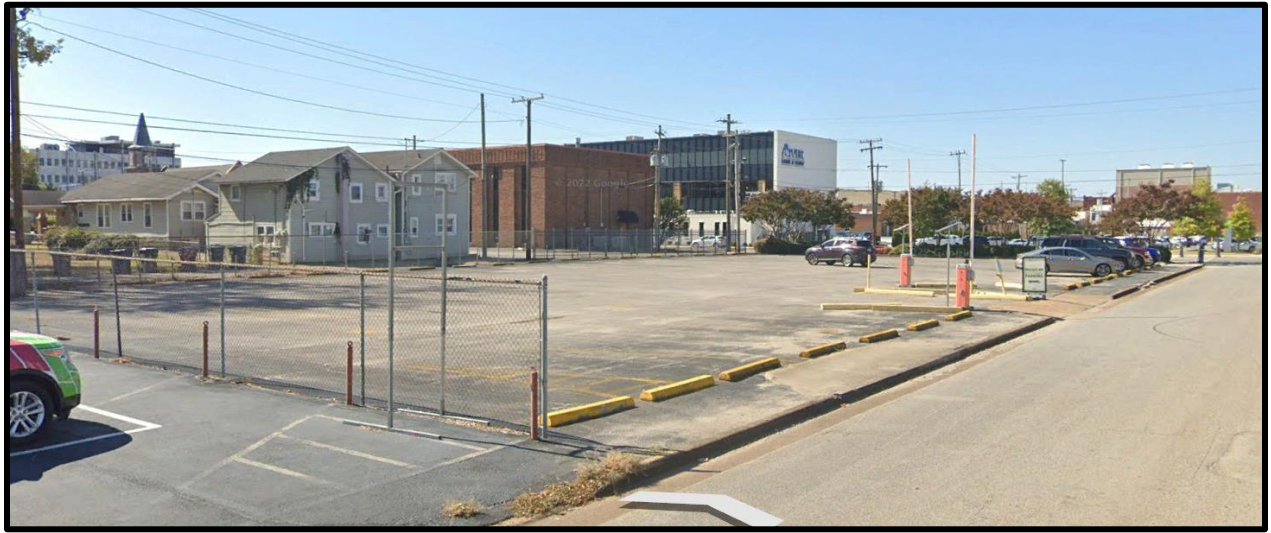
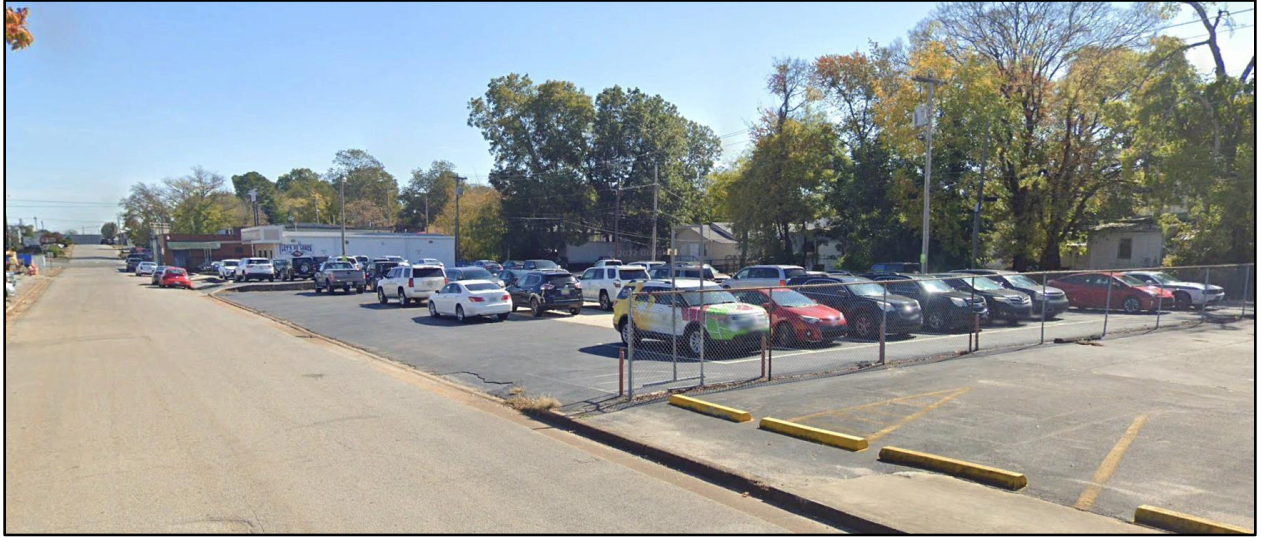
At this time, staff recommends **Conditional request** until additional information is provided by the applicant regarding the specific extent of the requested relief. While staff has evaluated the general nature of the proposed variances related to setbacks, maximum buildable area, and building height within the Community Commercial (CC) district, the application does not currently identify the maximum building coverage being requested or the proposed overall height of the parking deck and associated structure.

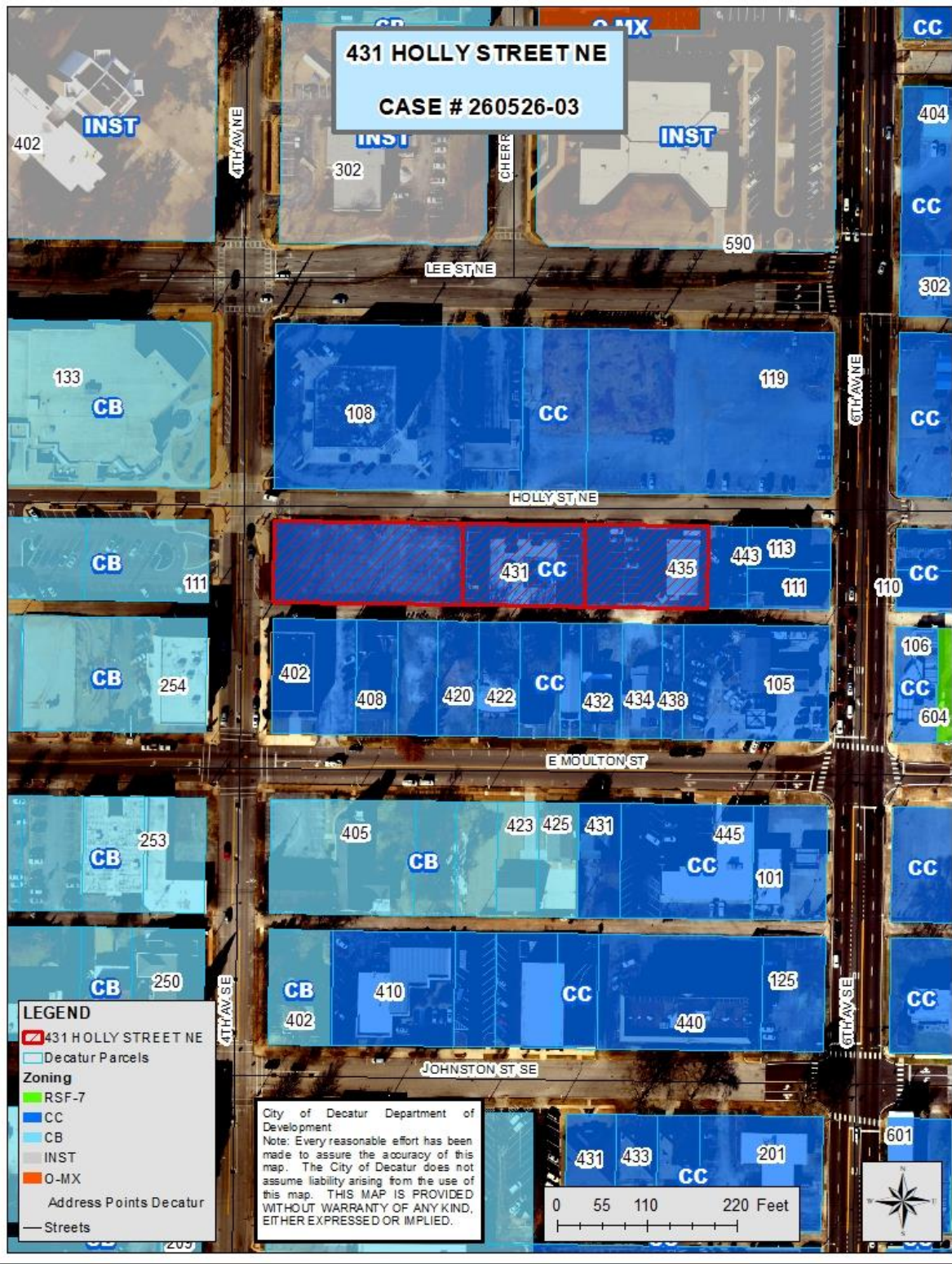
Because the requested variances involve significant deviations from multiple dimensional standards of the zoning ordinance, including lot coverage and building height limitations, staff finds that additional detail is necessary for the BZA board to fully evaluate the intensity, scale, and potential impacts of the development. Specifically, the applicant should provide:

- The proposed maximum building coverage percentage for the site;
- The proposed overall building height in both stories and feet; and

This information is necessary for staff and the BZA board to adequately assess compatibility with surrounding development, potential impacts on adjacent properties, site functionality, circulation, and consistency with the intent of the Community Commercial district. Without clearly defined dimensions for the requested variances, staff is unable to make a fully informed recommendation regarding the appropriateness of the requested relief.

431 HOLLY STREET



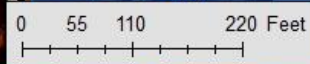


431 HOLLY STREET NE
CASE # 260526-03

LEGEND

- 431 HOLLY STREET NE
- Decatur Parcels
- Zoning**
- CC
- CB
- INST
- O-MX
- RSF-7
- 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.



October 10th, 2025

To Whom It May Concern
City of Decatur
Planning Department
402 Lee Street NE
Decatur, Alabama 35601

Re: Hardship Letter, Setback Variance Request
Parcel: 03-04-18-4-033-01-0000
Project: Proposed Parking Deck (City of Decatur)
Location: Corner of 4th Avenue NE and Holly St NE

Dear Members of the Board of Zoning Adjustment,

On behalf of the City of Decatur, the developer of the above-referenced property, we respectfully request consideration for a variance to the front setback requirement along 4th Avenue NE. The current front and rear setback requirements are 20 feet, and we are requesting a reduction of 20 feet, resulting in a 0-foot setback to allow for the construction of the parking deck.

The proposed development is a 6 level parking deck located at the corner of 4th Avenue NE and Holly Street NE, an area that has been selected for major developments to the City. The project is a part of several other large developments and will provide the infrastructure to support the additional demands for parking these developments will bring. The parking deck will provide employee parking to existing and future businesses as well as a centralized location for visitors and customers of these businesses to use.

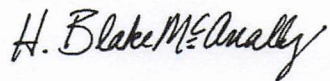
The requested variance is needed to facilitate the required size of the structure to provide the adequate room for parking and traffic circulation in the facility and to permit the structure to remain within the required distance for fire aerial apparatus access. Additionally, an exemption or variance from the max buildable area, max building height requirements, and landscaping requirements are also required.

We believe this request constitutes a valid hardship. The City's desire to establish a parking deck in an area with setbacks significantly reduces to efficiency of building such a structure on the selected lot. The design of the structure also restricts the placement options of the structure for the purpose of accessibility and it's intent to coordinate and service the additional developments in the area. A 20' setback from the property line would also locate the parking deck outside of the required distance from the road for a fire aerial apparatus at ~35' from 4th Avenue. Furthermore, the additional setback requirements and buildable area requirements would hinder the future development of properties in the area of the proposed parking deck by requiring an absurd amount of property to be required to meet the requirements of the current zoning ordinance.

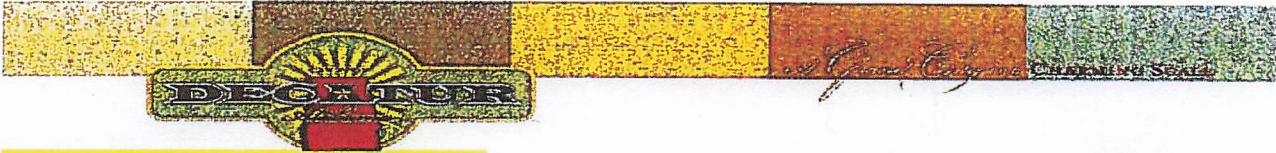
It is likely that this entire block should have been zoned CB, rather than CC. The new zoning map rewrite took place after the conception of this project. Therefore, a possible oversight was made in the zoning of this site. The requested variance allows the City to build the parking deck to provide parking to employees and visitors alike and to meet the future parking demands that other planned developments in the area will bring.

We sincerely appreciate the Board's consideration of this request and welcome the opportunity to present additional materials, including architectural renderings and site plans, during the hearing.

Respectfully submitted,

A handwritten signature in black ink that reads "H. Blake McAnally". The signature is written in a cursive, flowing style.

Blake McAnally, PE, President
Pugh Wright McAnally, Inc



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: City of Decatur

MAILING ADDR: 402 Lee St NE

CITY, STATE, ZIP: Decatur, AL 35601

PHONE: ~~(256) 353-30~~ (256) 341-4600

PROPERTY OWNER: City of Decatur

OWNER ADDR: 402 Lee St NE

CITY, STATE, ZIP: Decatur, AL 35601 PHONE: (256) 341-4600

ADDRESS FOR APPEAL: 431 Holly St NE

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)

Site is zoned CC. Request for front and rear setbacks to be changed to 0'. Request for max build area, building height, and landscaping requirements exemptions for proposed ~~property~~ parking decks.

Applicant Name (print) _____	If applicant is using a _____	Office Use Received By: _____
Signature _____	representative for the _____	Zone _____
Representative Name (print) <u>Caleb Wojciechowski</u>	request both signatures _____	Hearing Date _____
Signature <u>[Signature]</u>	are required _____	Approved Disapproved _____
Date <u>9/16/2026</u>		

Board of Zoning
Adjustment Staff
Report



Variance 260526-03

MEETING DATE: May 26th, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: City of Decatur

SUBJECT ADDRESS: 431 Holly Street NE

REQUEST: Variance to omit frontage, foundation, & perimeter landscaping to construct a parking deck

CURRENT ZONING: CC (Community Commercial)

LOCATION: 431 Holly Street NE

SURROUNDING LAND North: Community Commercial (CC)

USES AND ZONING: South: Community Commercial (CC)

East: Community Commercial (CC)

West: Central Business (CB)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: Variance request from Community Commercial District Requirements

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to omit frontage, foundation, & perimeter landscaping to construct a parking deck

APPLICANT'S HARDSHIP (FROM APPLICATION):

05/18/2026

To Whom It May Concern
City of Decatur
Planning Department
402 Lee Street NE
Decatur, Alabama 35601

Re: Hardship Letter, Landscaping Variance Request
Parcel: 03-04-18-4-033-01-0000
Project: Proposed Parking Deck (City of Decatur)
Location: Corner of 4th Avenue NE and Holly St NE

Dear Member of the Board of Zoning Adjustment,

On behalf of the City of Decatur, the developer of the above-referenced property, we respectfully request consideration for a variance to the Foundation and Off-Street Parking Landscaping requirements for the proposed parking deck development. The lot is zoned CC and is subject to both Foundation and Off-Street Landscaping requirements within the City of Decatur Zoning Ordinance Section 25-5.3. Landscaping and Buffer Requirements. The lot is adjacent to other lots zoned as commercial, so it is exempt from any buffer requirements. Below are the landscaping criteria a variance is requested for:

- We request that the site be exempt from the requirements for Foundation Landscaping on the western side of the site that is adjacent to 4th Avenue NE and along the southern side of the site adjacent to the unnamed alley.
- We request that the tree and shrub requirements for Foundation Landscaping be changed from 1 tree per 30 linear feet and 1 shrub per 3 linear feet to 0 trees and 1 shrub per 15 linear feet of building frontage minus entrances.
- We request that the tree and shrub requirements for Off-Street Frontage Landscaping be changed from 1 tree and 6 shrubs per 50 linear feet of parking area to 0 trees and 6 shrubs per 60 linear feet of parking area minus entrances.
- We request that the site be completely exempt from the requirements for the Off-Street Parking Perimeter Landscaping.
- We request that the site be completely exempt from the requirements for the Off-Street Interior Landscaping.

The proposed development is a 6-level parking deck located at the corner of 4th Avenue NE and Holly Street NE, an area that has been selected for major developments to the City. The project is a part of several other large developments and will provide the infrastructure to support the additional demands for parking these developments will bring. The parking deck will provide employee parking to existing and future businesses as well as a centralized location for visitors and customers of these businesses to use.

The requested variance is needed to facilitate the required size of the structure to provide adequate room for parking and traffic circulation in the facility.

We believe this request constitutes a valid hardship. The City's desire to build this parking structure in a site zoned CC puts requirements upon the development and design of the site that reduce the effectiveness of such a structure in this location. The dimensions of the lot and the size of the structure do not leave room for landscaping to meet the requirements in Section 25-5.3. A variance from the written ordinance to the requested standards would permit the structure to be built as currently designed and would still serve the purpose of beautification along the most visible northern, eastern, and western sides.

We sincerely appreciate the Board's consideration of this request and welcome the opportunity to present additional materials, including architectural renderings and site plans, during the hearing.

Respectfully submitted,



Blake McAnally, PE, President
Pugh Wright McAnally, Inc

ZONING ORDINANCE REFERENCED- Sec. 25-5.3 Landscaping & Buffer Standards

ANALYSIS:

The applicant is requesting a variance from the landscaping requirements of the zoning ordinance in order to omit all required landscaping associated with the construction of a new parking deck. The proposed parking structure is part of a larger redevelopment project that includes construction of a hotel and an expansion of the Cook Museum of Natural Science. The parking deck is intended to serve the parking demands generated by both components of the development and to support continued investment and activity within the downtown area.

As part of the overall development plan, Holly Street, along which the parking deck will have frontage, is proposed to be vacated and converted into a private street. Because the street would no longer function as a traditional public right-of-way, the applicant contends that the landscaping standards typically applied to public street frontages may not be practical or necessary in this instance. The applicant is therefore seeking relief from all required landscaping associated with the parking deck frontage and perimeter areas.

In evaluating the request, staff reviewed the purpose and intent of the City's landscaping regulations, which are intended to soften the visual impact of large structures and paved surfaces, enhance pedestrian character, improve streetscape aesthetics, reduce urban heat island effects, and provide buffering between differing land uses. Landscaping requirements for parking facilities are also intended to reduce the visual dominance of parking infrastructure within the urban environment and promote compatibility with surrounding development.

RECOMMENDATION

Based on the findings outlined above, staff recommends approval of the variance request, subject to the Board of Zoning Adjustment's consideration of appropriate design conditions or alternative streetscape enhancements.

Staff would like the applicant to provide alternative landscaping options while also preserving the existing landscaping located at the corner of 4th Street and Holly Street. Staff recognizes that the proposed parking deck is part of a significant downtown redevelopment project that includes a new hotel and the expansion of the Cook Museum of Natural Science, both of which are anticipated to provide substantial economic, tourism, and community benefits to the city. The parking structure is intended to serve the operational needs of the overall development and provide necessary parking capacity within the downtown area, where site constraints and urban development patterns often limit the feasibility of traditional landscaping treatments.

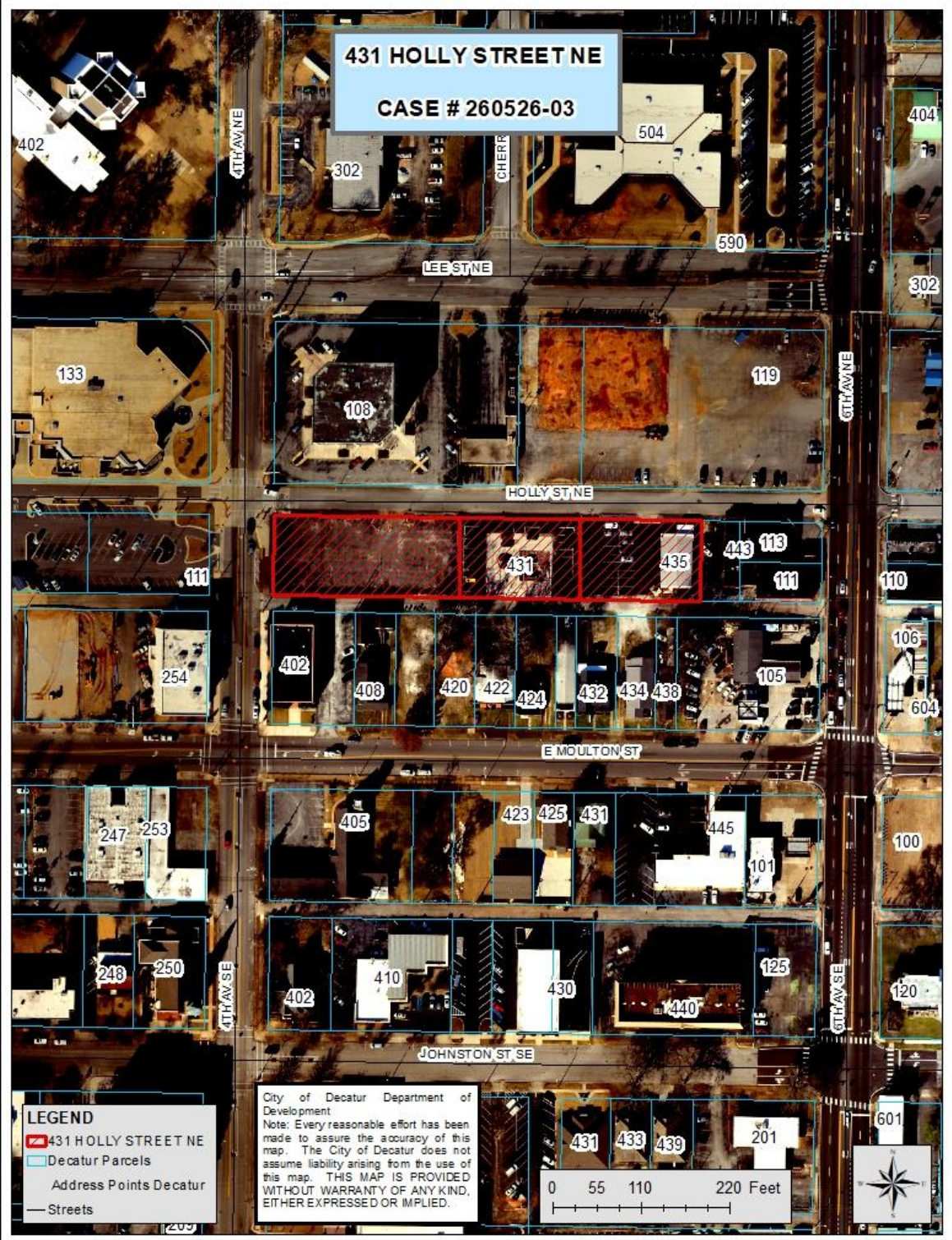
Staff also finds that the proposed closure and conversion of Holly Street into a private street creates a situation that is different from a typical parking deck located along a public street. Due to the downtown setting, limited space available on the site, and the design needs of the parking structure, requiring full compliance with the landscaping standards could create practical challenges and reduce the overall functionality and coordination of the project design.

LANDSCAPING PROPOSED TO REMAIN



LANDSCAPING PROPOSED TO REMAIN





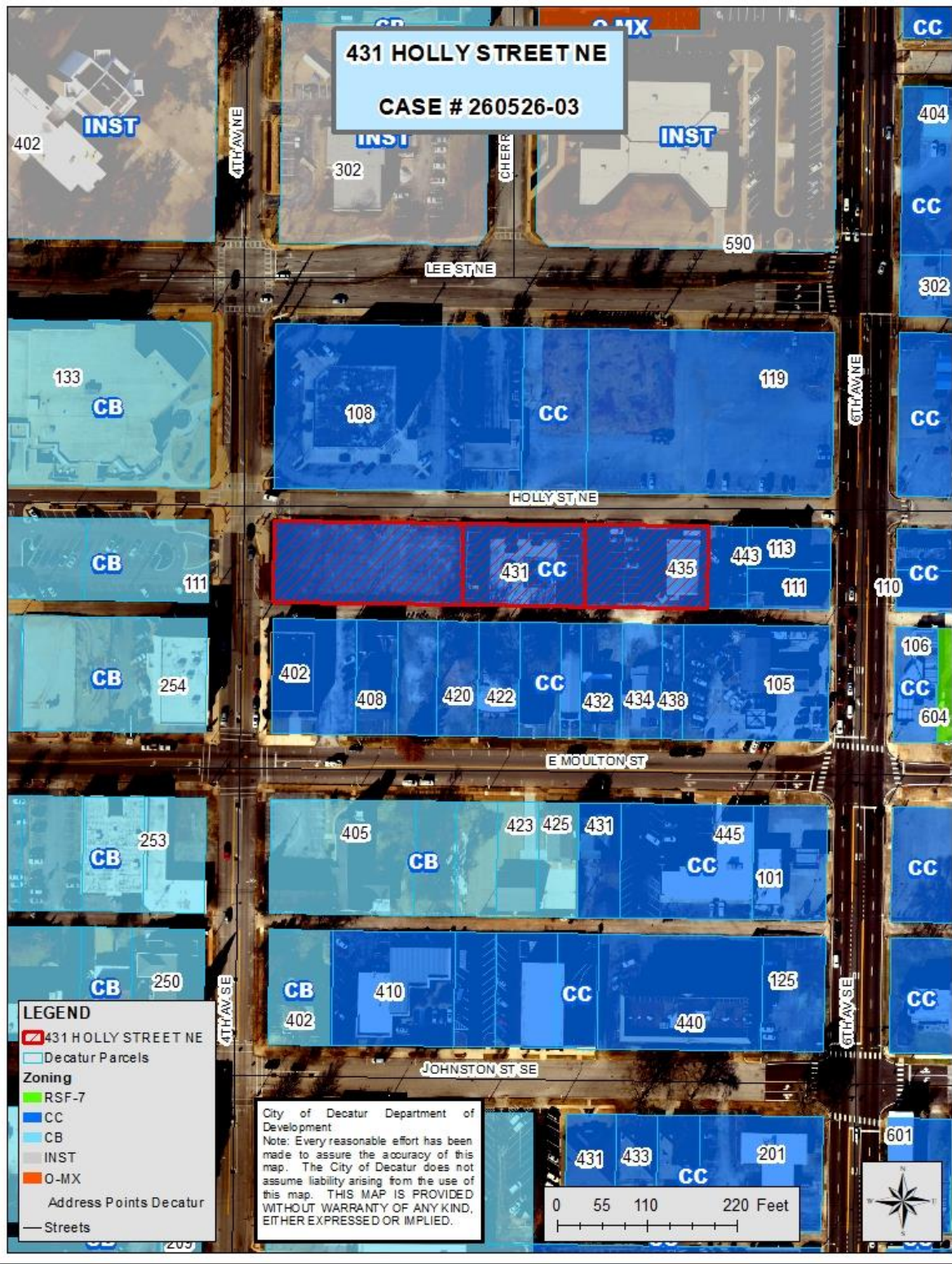
431 HOLLY STREET NE
CASE # 260526-03

LEGEND
 431 HOLLY STREET NE
 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.

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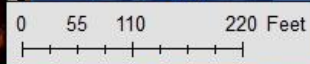
431 HOLLY STREET NE

CASE # 260526-03

LEGEND

- 431 HOLLY STREET NE
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Board of Zoning Adjustment

APPLICANT: City of Decatur

MAILING ADDR: 402 Lee St NE

CITY, STATE, ZIP: Decatur, AL 35601

PHONE: ~~(256) 353-30~~ (256) 341-4600

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OWNER ADDR: 402 Lee St NE

CITY, STATE, ZIP: Decatur, AL 35601 PHONE: (256) 341-4600

ADDRESS FOR APPEAL: 431 Holly St NE

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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Site is zoned CC. Request for front and rear setbacks to be changed to 0'. Request for max build area, building height, and landscaping requirements exemptions for proposed ~~property~~ parking decks.

Applicant Name (print) _____

Signature _____

Representative Name (print) Caleb Wejerschowski

Signature [Signature]

Date 9/16/2026

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

Office Use Received By: _____

Zone _____

Hearing Date _____

Approved Disapproved _____

05/18/2026

To Whom It May Concern
City of Decatur
Planning Department
402 Lee Street NE
Decatur, Alabama 35601

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Location: Corner of 4th Avenue NE and Holly St NE

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Respectfully submitted,



Blake McAnally, PE, President
Pugh Wright McAnally, Inc

Board of Zoning
Adjustment Staff
Report



Variance 260526-04

MEETING DATE: May 26th, 2026

PETITIONER: Nicholas Ostrye

PROPERTY OWNER: Indian Hills Partners, Inc

SUBJECT ADDRESS: 3430 Indian Hills Road SE

REQUEST: Variance request to deviate from the District Requirements in a Community Commercial District; maximum buildable area exceeding 40%

CURRENT ZONING: CC (Community Commercial)

LOCATION: 3430 Indian Hills Road SE

SURROUNDING LAND North: Community Commercial (CC)

USES AND ZONING: South: Agriculture (AG)

East: Community Commercial (CC)

West: Community Commercial (CC)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to the "built area, max. (percent of lot area)" requirement for CC Community Commercial Zoning per the Zoning Ordinance .

APPLICANT’S HARDSHIP (FROM APPLICATION):

The requirement limits the development within CC to only 40% total impervious coverage. Our current proposed built area is over 60%. The required built area, max. limit of 40% creates a near unachievable goal for us to meet while maintaining adequate circulation through the development and providing the minimum required amount of off-street parking. We were unaware we would be rezoned based on the Zoning Ordinance Rewrite and held to the standards for CC zoning. We ask that the Board of Zoning Adjustments will consider our request for granting a variance regarding the "built area, max. for CC zoning".

ZONING ORDINANCE REFERENCED- Sec. 25-3.2.4(d). (Community Commercial)

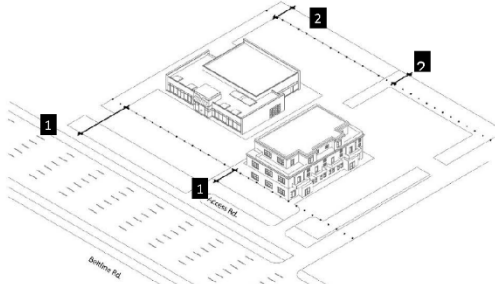
Section 25-3.2 Base Districts
 Sec. 25-3.2.4 BUSINESS DISTRICTS

(d) COMMUNITY COMMERCIAL (CC) DISTRICT

(1) Purpose

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(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	60 25 [2]
Side setback, min. (ft.)	None 25 [3]
2 Rear setback, min. (ft.)	20
Built area, max. (percent of lot area)	40
Building height, max.	Lesser of 55 ft. or 4 stories

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum front setback is 60 feet for property adjacent to Beltline Road and 25 feet otherwise.
- [3] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

(3) Reference to Other Standards

Development in the CC District shall comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

ANALYSIS:

The applicant is requesting a variance from the dimensional requirements of the Community Commercial (CC) zoning district to allow a maximum buildable area that exceeds the permitted 40 percent lot coverage limitation by an additional 20 percent. If approved, the request would allow development coverage of approximately 60 percent of the site.

RECOMMENDATION

Based on the analysis above, staff recommends approval of the variance request to allow the maximum buildable area within the Community Commercial (CC) district to exceed the permitted 40 percent limitation by an additional 20 percent, subject to compliance with all other applicable zoning, engineering, and development requirements of the City.

3430 INDIAN HILLS ROAD



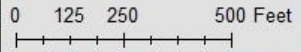
3430 INDIAN HILLS ROAD SE
CASE # 260526-04

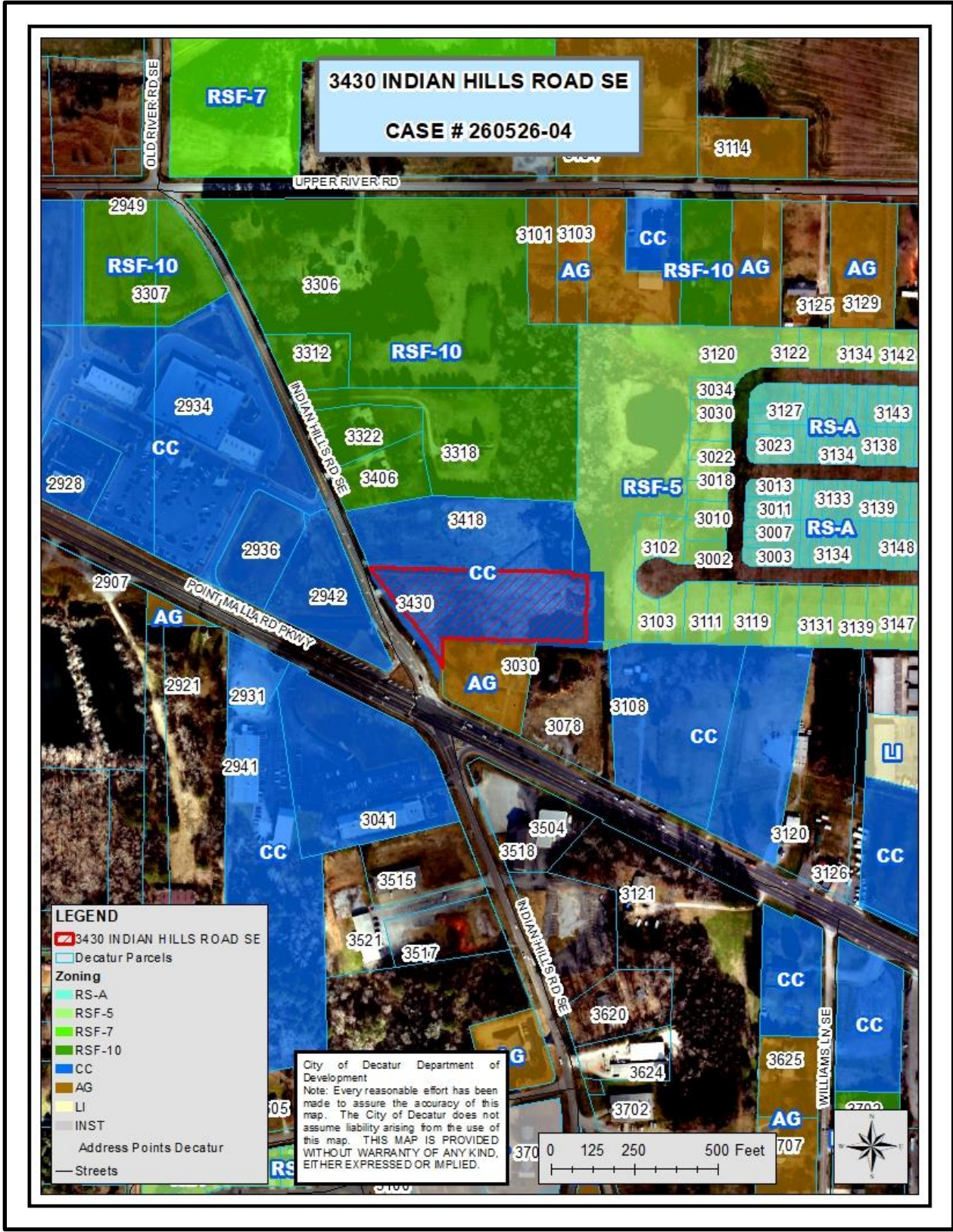


LEGEND

- 3430 INDIAN HILLS ROAD 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.



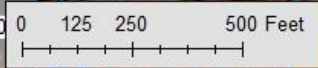


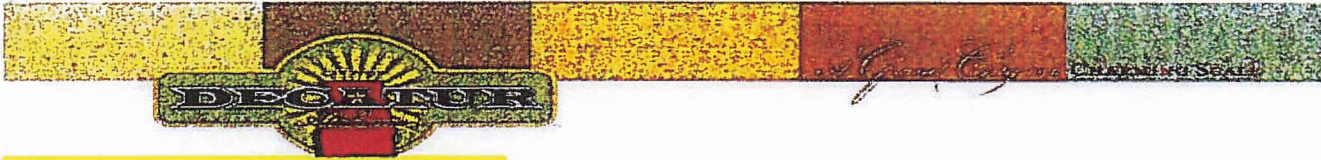
3430 INDIAN HILLS ROAD SE
CASE # 260526-04

LEGEND

- 3430 INDIAN HILLS ROAD SE
- Decatur Parcels
- Zoning**
- RS-A
- RSF-5
- RSF-7
- RSF-10
- CC
- AG
- LI
- INST
- Address Points Decatur
- Streets

City of Decatur Department of Development
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402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Nicholas Ostrye

MAILING ADDR: 3528 Vann Road, Suite 105

CITY, STATE, ZIP: Birmingham, Alabama 35235

PHONE: 205-655-1991

PROPERTY OWNER: Indian Hills Partners, Inc.

OWNER ADDR: P.O. Box 515

CITY, STATE, ZIP: Decatur, Alabama 35602 PHONE: 256-353-4069

ADDRESS FOR APPEAL: 3430 Indian Hills Road SE, Decatur, Alabama 35603 (Lot #1)

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)

We are asking for a variance in the "built area, max. (percent of lot area)" requirement for CC Community Commercial zoning, per the Zoning Ordinance Rewrite - Sec. 25-3.2.4(d)(2). The requirement limits the development within CC to only 40% total impervious coverage. Our current proposed built area is over 60%. The required built area, max. limit of 40% creates a near unachievable goal for us to meet while maintaining adequate circulation through the development and providing the minimum required amount of off-street parking. We were unaware we would be rezoned based on the Zoning Ordinance Rewrite and held to the standards for CC zoning. We ask that the Board of Zoning Adjustments will consider our request for granting a variance regarding the "built area, max. for CC zoning".

Applicant Name (print) Nicholas Ostrye

Signature *Nicholas Ostrye*

Representative Name (print) _____

Signature _____

Date 7/23/26

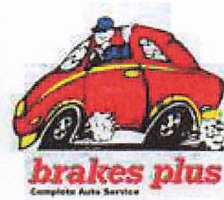
If applicant is using a representative for the request both signatures are required

Office Use Received By: _____

Zone _____

Hearing Date _____

Approved/Disapproved _____



Historical data from Express Oil Change:

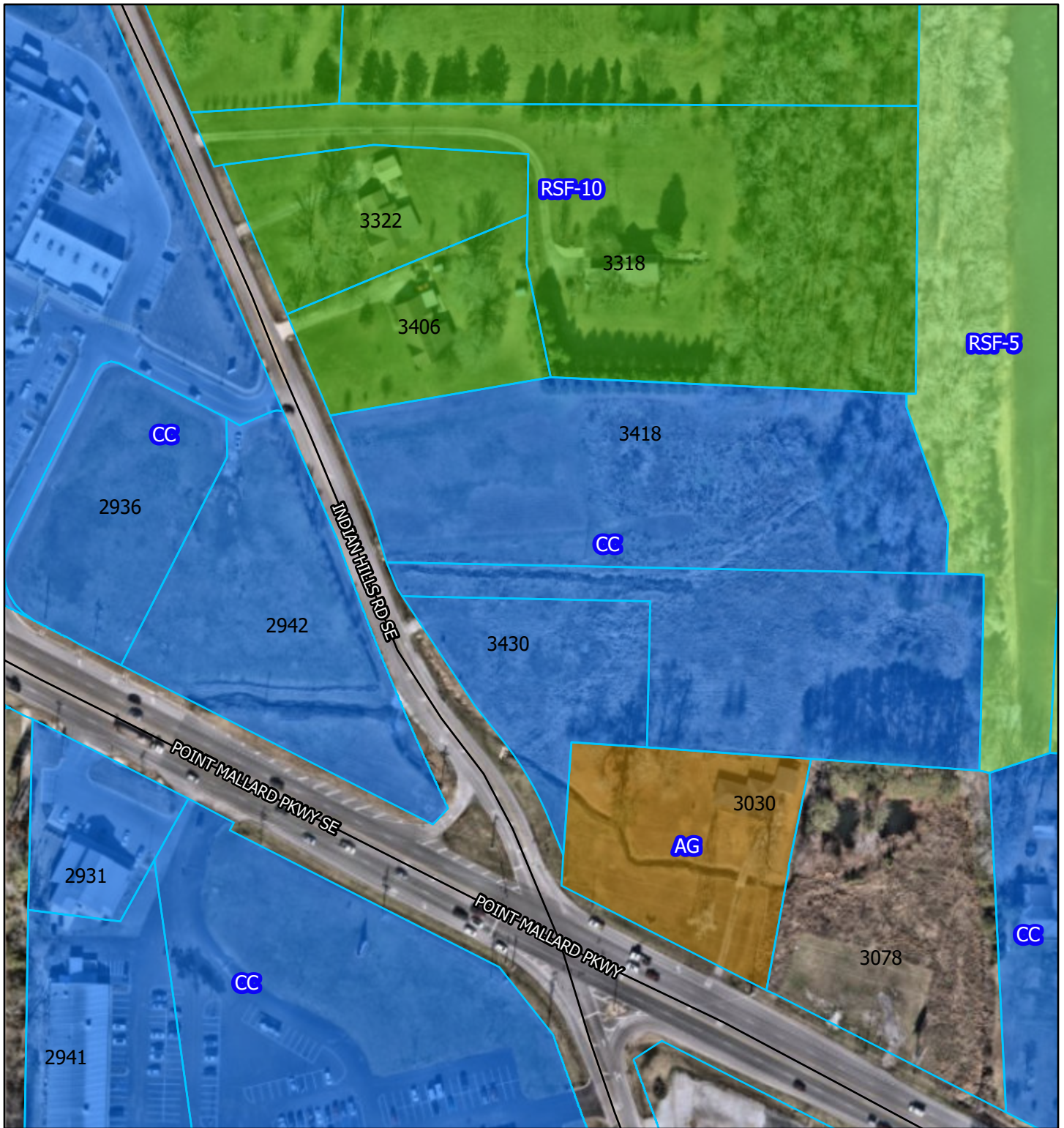
- EOC averages ~47 customers per day overall for their facilities
- Their highest peak hour % comes on Saturdays with 13.2% of all oil changes for Saturdays happening in the 11 AM hour.
- 13.2% of 47 total customers would be a max of ~7 customers during the peak hour
- For the 3 proposed oil change bays with 15-minute oil changes, you could accommodate 12 customers per hour
- 12 customer capacity > 7 customers in peak hour per historical EOC data

Using the ITE Trip Generation Handbook - #941 Quick Lube Vehicle Shop for 3 bays of oil change service:

- ITE estimates 120 total trips per day (60 incoming, 60 outgoing)
- ITE estimates 16 PM Peak Hour trips (9 incoming, 7 outgoing)
- For the peak hour, ITE estimates 9 incoming customers.
- For the 3 proposed oil change bays with 15-minute oil changes, you could accommodate 12 customers per hour.
- 12 customer capacity > 9 customers in peak hour per ITE Trip Generation Handbook

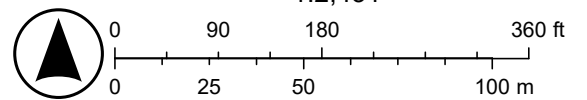
Description/ITE Code	Units	ITE Vehicle Trip Generation Rates								Expected Units	Total Generated Trips			Total Distribution of Generated Trips					
		(peak hours are for peak hour of adjacent street traffic unless highlighted)									Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out										
Quick Lube Vehicle Shop 941	Service Bays	40.00	3.00	5.19		67%	33%	55%	45%	3.0	120	9	16	6	3	0	9	7	0
Automobile Care Center 942	Service Bays	12.48	1.52	2.17		68%	32%	NA	NA	5.0	62	8	11	5	2	0	NA	NA	0

BZA 26052-03 & 04 - 3430 Indian Hills Road



5/18/2026, 10:51:05 AM

- Decatur Streets
- Ownership
- Zoning
- RSF-10
- CC
- AG
- RSF-5



Board of Zoning
Adjustment Staff
Report



Variance 260526-05

MEETING DATE: May 19, 2026

PETITIONER: Kelly Thomas, Downtown Decatur

PROPERTY OWNER: Brandon Price/Yogi Dougher

SUBJECT ADDRESS: 208-B 2nd Avenue (Adjacent to 206 2nd Avenue)

REQUEST: Variance to permit a storage container retrofitted as a small business shop awarded through a grant from Main Street Alabama and the USDA Rural program to the Decatur Downtown Redevelopment Authority as a mobile vendor incubator. The incubator will be with DDRA for 3 years, but will be at this location for 1-year without having to move daily.

CURRENT ZONING: Central Business District (CBD)

LOCATION: 208-B 2nd Avenue

SURROUNDING LAND North: CBD Central Business District

ZONING: South: CBD Central Business District
East: CBD Central Business District
West: CBD Central Business District

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to permit a modified storage unit retrofitted as a small business shop to remain in a parking lot adjacent to 206 2nd Avenue temporarily for 1-year and be classified as a mobile vendor that is relieved of the daily requirement to move from the site. The tenants utilizing the incubator space will not be serving or selling food. It will be for retailers only.

APPLICANT'S HARDSHIP (FROM APPLICATION):

The applicant's hardship is that it is a structure that is difficult to classify in the new Zoning Rewrite. The small shop box is treated as a mobile vendor that doesn't sell food. Commercial storage containers are permitted in nonresidential zoning districts for a minimum period of 6 months as a permanent accessory structure or as building material for a primary structure. However, the language does not have an interpretation for a mobile vendor or a retrofitted conditioned container.

ZONING ORDINANCE REFERENCED- Sec. 25-4.4.4, (i) Specific Standards for Temporary Uses and Structures

(i)

Storage in Portable Shipping Container

- (1) Storage containers shall not exceed 160 square feet in floor area or be taller than nine feet.
- (2) Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.
- (3) In cases where improved driveways, parking, or loading areas are not present, containers shall be located to minimize their visibility from streets or adjacent residential areas, to the extent practicable.
- (4) Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.
- (5) Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days if a written request for an extension is submitted to the Director before the expiration of the initial 30 days.
- (6) Storage containers may be placed on a residential site a maximum of two occurrences per year.
- (7) A minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.
- (8) A portable shipping container is prohibited from use as a permanent accessory structure or as building material for a primary structure in any residential zoning district.

ANALYSIS:

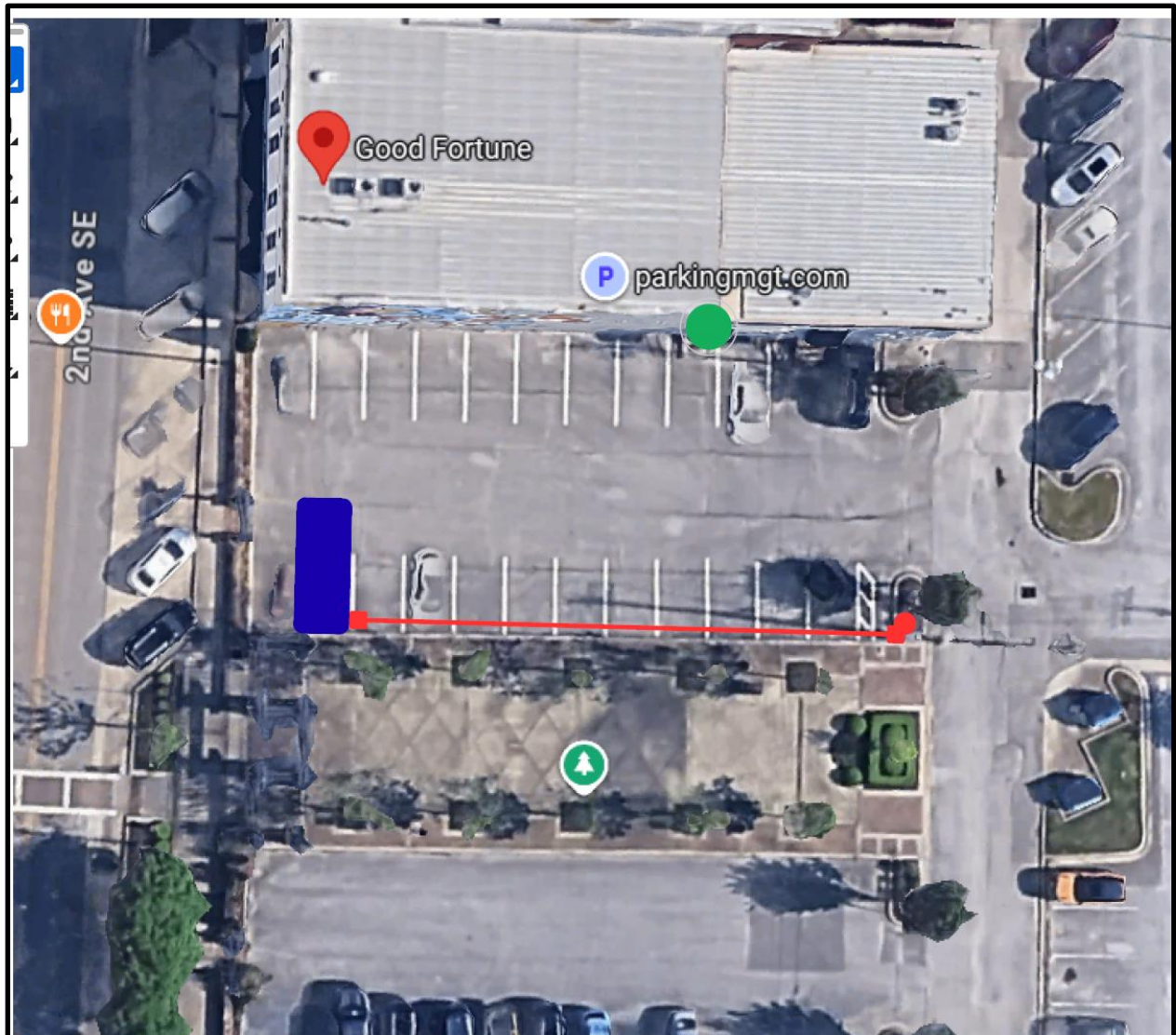
The applicant was granted a small storage container shop as a benefit and award to the City through a State program and the USDA to help small businesses get an opportunity to scale up their respective retail business into a flourishing storefront, possibly downtown. This aligns with the City's desire for Downtown growth. In addition, the building has passed life safety inspections from the building and fire department.

RECOMMENDATION

The applicant is requesting relief from a standard that has not been considered in the zoning rewrite. Storage containers are being retrofitted and used as construction material to create spaces and buildings in communities nationally. These retrofitted buildings are used for offices, retail spaces, pop-up shops, and restaurants.

The recommendation is to approve the Main Street/USDA Small Shop container for 1-year, and require the applicant to seek BOZA approval for 2 subsequent years after relocating to different locations.

208-B Small Box Shop Location



208-B 2ND AVE



208-B 2ND AVE



Special Exception – Board of Zoning Adjustment

City of Decatur, Planning & Development Department
402 Lee Street NE
Decatur, AL 35602
(256) 341-4720 / Planning@decatur-al.gov



Location of Subject Property: 208- B 2nd Avenue (Adjacent to 206 2nd Avenue)

Name of Applicant(s): Downtown Decatur Redevelopment Authority (Kelly Thomas) Phone: 256-304-8670

Address: 445 E Moulton Street Decatur, AL 35601 Email: kthomas@decaturdowntown.org

Name of Owner(s): Brandon Price/Yogi Dougher Phone: 256-341-7895

Address: 218-B 2nd Ave Email: bprice@bca-inc.com

The applicant will be the point of contact for all communication with city staff

Current Zoning: CBD Total Acreage: Current Use of Property: Parking Lot

Review the Decatur Zoning Ordinance, specifically § 25-2.2.3. Board of Zoning Adjustments (BZA)

Describe the requested use: (attach additional sheets as needed)
The City of Decatur was awarded to host a 8 x 20 small container retrofitted as a storefront for a small business incubator from the Main Street Alabama program through the USDA Rural Grant program. The structure has permission to be there for one year. The structure will be in Decatur for 3 years. It is not a mobile food vendor, or a mobile vendor. DDRA is requesting that the unit be treated as a mobile vendor and waive the 24 hr removal and allow it to remain on site for 12 months.

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and the Zoning Ordinance. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this ordinance.

All items must be marked as included or understood, or "N/A" if not applicable:
[X] Proof of Ownership *The deadline to apply for the next meeting is: 5 / 10 / 2026
[X] Designation of Agent Form *The date of the next available meeting is: 5 / 26 / 2026
Accurate, scaled site plan showing all necessary information, including property lines, existing & proposed structures, dimensions, and any additional information that would be helpful to the BZA in making a decision
Church or Place of Assembly Supplement (if applicable)
I understand that Special Exception approval lapses after one year if no construction or change in use has taken place
Fee
I agree to allow the City to place a sign or signs on this property notifying the public of this request

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct. I acknowledge that submitting incorrect or incomplete information that results in delays or invalidation is the sole responsibility of the applicant.

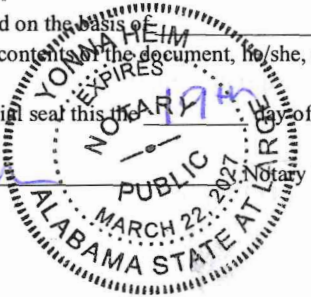
Applicant Signature: [Handwritten Signature] Date: 5 / 1 / 26

STATE OF ALABAMA
COUNTY OF Morgan

I, Yonna Heim, a Notary Public in and for said State at Large, hereby certify that [Name], whose name is signed to the foregoing document, and

Who is known to me, or
Whose identity I proved on the basis of
and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1st day of May, 2020.
Yonna Heim, Notary Public
My Commission Expires: 3/22/21



§ Sec. 25-2.2.3. Board of Zoning Adjustment (BOZA)

The Board of Zoning Adjustment is hereby established in accordance with state law.

a) **Powers and Duties**

The Board of Zoning Adjustment shall have the following powers and duties under this Ordinance:

(1) **To review and decide the following:**

- (i) Special Exceptions (Sec. 25-2.4.4); and
- (ii) Variances (Sec. 25-2.4.15(d)(6));

(2) **To hear and decide appeals from final decisions on the following:**

- (i) Planned Development District Minor Changes (Sec. 25-2.4.3(c)(8)(iii));
- (ii) Minor Site Plans (Sec. 25-2.4.5);
- (iii) Temporary Use Permits (Sec. 25-2.4.8);
- (iv) Administrative Adjustments (Sec. 25-2.4.15);
- (v) Administrative Enforcement Actions (see Article 25-7: Enforcement); and

(3) Any other powers and duties assigned to it by the City Council in accordance with Chapter 52 of Title 11, Code of Alabama.

b) **Membership, Terms of Office, Bylaws and Rules of Procedure, Meetings**

The composition and appointment of members, terms of office, rules of procedure, and meetings of the Board of Zoning Adjustment shall be in accordance with Sec. 11-52-80, Code of Alabama.

DESIGNATION OF AGENT
CITY OF DECATUR



I, BRANDON PRICE / YOGI DOUGHER, being owner of the property which is the subject of this application (218-B 2ND AVE SMALL BOX SHOP), hereby authorize KELLY THOMAS to act as my representative with the City of Decatur's staff, and/or Planning Commission, and/or Board of Zoning Adjustment, and/or Historic Preservation Commission, and/or City Council, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property owner's or owners' signature(s): [Signature] Date: 5/13/26
[Signature] Date: 5/13/26

STATE OF ALABAMA

COUNTY OF Lawrence

I, [Signature], a Notary Public in and for said State at Large, hereby certify that Kelly Thomas, whose name is signed to the foregoing document, and

Who is known to me, or
 Whose identity I proved on the basis of _____

and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 13 day of May, 2026.

[Signature]
Notary Public

Latisha Ann Hazel
Notary Public, Alabama State at Large
My Commission Expires May 30, 2029

My Commission Expires: May 30, 2029