

Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

May 28th, 2024 Pre-meeting – 3:30 p.m. (7th Floor)

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

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MINUTES APRIL 2024

MEMBERS PRESENT: Chair Delayne Dean, Mr. Mark McCurry, Mr. Chester Ayers, Mr.

Jeremy Goforth, and Mr. Tom Polk

SUPERNUMERARIES:

OTHERS PRESENT: Mrs. Ruth Priest, Assistant City Attorney

Mr. Tommie Williams, Planner Mr. Bob Sims, Building Inspector

Mr. John Waggoner, Inspector Manager and Recorder

Chair Delayne Dean called the meeting to order at 4:03 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 March minutes required any corrections. There were no corrections made. Mr. Jeremy Goforth motioned to approve the minutes Mr. Tom Polk seconded the motion. On a voice vote, all yes, the motion carried. The minutes from the March 2024 meeting were approved.

CASE NO. 1

Application and appeal of Consuella Washington from:

- (a) Section 25-14 (c) for a six and five tenths (6.5) feet front yard set-back variance to construct a covered front porch and bay window located at 903 9th Avenue SE.
- (b) Section 25-10.10 (2) (c.) for a fourteen and eight tenths (14.8) feet front yard set-back variance to construct a covered front porch and bay window located at 903 9th Avenue SE.

The property is located in R-3, Residential District.

Ms. Washington presented this case to the Board. Ms. Washington stated her name and address as 903 9th Avenue SE. Ms. Washington stated she is asking for a front yard set-back variance. Chair Dean asked if this variance is for a small front porch and bay window. Ms. Washington stated yes. Chair Dean asked if the structures are completed. Ms. Washington stated yes and a stop work order was issued.

Chair asked for questions from the Board. None. Chair asked for questions or comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. None. Chair closed call for public testimony. Chair asked the Board for its ruling. Jeremy Goforth made a motion to vote on the front yard set-back variance. Mark McCurry made a second. Chair called for role. All yes, the motion was approved.

CASE NO. 2

Application and appeal of Clayton Homes for a use permitted on appeal from Section 25-12.1 and defined in Article I in order to install a manufactured home located at 4616 Joe Davis Drive SW. The property is located in AG-1, Agricultural District.

No representative came forward to present this case to the Board. Chair Dean requested a short pause to allow for someone to appear. After a six minute pause, Chair Dean asked for a recalling of the case. Bob Sims re-called the case. No representative was present.

Chair asked for a motion to dismiss Case No. 2 for a no show. Jeremy Goforth motioned to vote. Tom Polk made a second. Chair asked all in favor say "aye". All aye, motion was approved.

Chair asked for any new business. None
Meeting adjourned at 4:16p.m.
Delayne Dean, Chair

AGENDA

CASE NO. 1

Application and appeal of Ronald Stokes for a four (4) feet side yard set-back variance from Section 25-10 (2) (e.) (2.) to construct a detached accessory structure one (1) foot from the side property line located at 1018 Sherman Street SE. The property is located in an R-3-H, Single Family Residential District.

CASE NO. 2

Application and appeal of Don Merritt for relief from an administrative decision to deny a building permit and a variance from Section 25-10.8 (2) (f.) to construct a new single family dwelling located at 3814 Danville Road SW. The property is located in an AG-1, Agricultural District.

CASE NO. 3

Application and appeal of Michael Taylor for relief from an administrative decision to deny a building permit and a variance from Section 25-2 (1) to construct a detached accessory structure in the side yard located at 2801 Wisteria Place SE. Property is located in an R-1, Residential District.

CASE NO. 4

Application and appeal of River City Pentecostals dba Signarama for a use permitted on appeal from Section 25-10 to construct a new church located in the South East corner at the intersection of 5th Street NW and 14th Avenue with a parcel number of 02 06 13 1 006 002.000. Property is located in an R-4, Multi-Family Residential District.

CASE NO. 5

Application and appeal of Brandon Lopez for a ten and ninety eight one hundredths (10.98) feet front yard set-back variance from Section 25-10.10 (2) (c.) to construct a new single family dwelling nineteen and 2 one hundredths (19.02) feet from the front property line located at 1311 15th Avenue SE. Property is located in an R-3, Single Family Residential District.

CASE NO. 6

Application and appeal of Coastal Oaks LLC dba Signarama for a forty seven (47) square feet sign area variance from Section 25-77 (e) (2) to install a sign for a thrift store located at 2019 6th Avenue SE Suite 1. Property is located in a B-2, General Business District.

CASE NO. 7

Application and appeal of Mental Health Center of North Central Alabama Inc. for a use permitted on appeal for boarding houses from Section 25-12.2 to construct a sixteen (16) bed mental health facility located at 4204 Highway 31 South. Property is located in an I-D, Institutional District.

CASE NO. 8

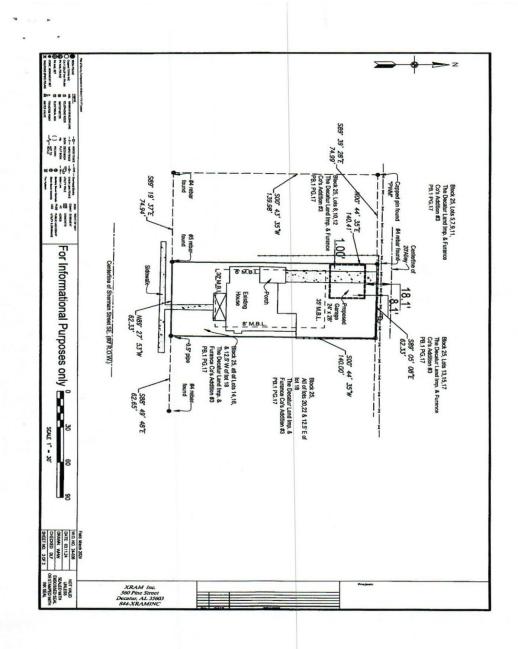
Application and appeal of Ming Commercial Real Estate Group for:

- (1) an off street parking variance for 3 parking spaces from Section 25-16 (2) (f) to provide a total of 30 parking spaces
- (2) a twenty one (21) feet sign set-back variance along McGlathery Lane SE Section 25-77 (e) (3)
- (3) a ten (10) feet sign set-back variance along 6th Avenue SE from Section 25-77 (e) (3)
- (4) a seven (7) feet sign height variance for the 6th Avenue side from Section 25-77 (e) (3) and a nineteen and five tenths (19.5) feet sign height variance for the McGlathery Lane side from Section 25-77 (e)
- (5) a fourteen and six tenths (14.6) square feet sign area variance from Section 25-78 (d)

to install a sign and construct a new Starbucks restaurant located in the North East corner at the intersection of 6th Avenue SE and Mcglathery Lane SE. Property is located in an M-1, Light Industry District.

		Case # 1
	. A Commi	Coly on a Charmino Scale
DECATUR		
02 Lee St NE 1st Floor Council Chamber		Board of Zoning Adjustment
APPLICANT: Ronald W. Stokes		
MAILING ADDR: 1018 Sherman S	treet, SE	
CITY, STATE, ZIP: Decatur, AC	35601	
PHONE: 205-807-2506		
PROPERTY OWNER: Ronald W. +T	eresa G. St	okes
OWNER ADDR: 1018 sherman Str.	eet se	
CITY, STATE, ZIP: Decatur, Ac 35	601 PHC	DNE: 205-801-2506
ADDRESS FOR APPEAL: 1018 Shern	ian Street	,SE
NATURE	OF APPEAL:	
→ HOME OCCUPATION → SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBACK SETBA	VARIANCE	SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF	ADMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES A	TTACHED DR	AWINGS FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed Re	presentative N	//UST be present in order
For the case	to be heard***	***
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT	FOR VARIANCES; # FOR PA	RKING; HARDSHIP; TYPE OF BUSINESS)
a setback variance is respect	tfully reque	sted to build a detache
garage in the rear of the pr	operty on to	he property line. The
garage in the rear of the pr property line is approximately fence on the left side of t	I feet ins	side the neighbor's
setbacic variance.	re property	geer side gard
0 - () - () - () - () - ()		
		No.
	If applicant is using a	Office Use Received By:
1 11 011-	If applicant is using a representative for the	Zone R-3H
Applicant Name (print) Ronald W. Stokes Signature Amad wother Representative Name (print)		2 211

CASE NO. 1 1018 SHERMAN ST SE



Waggoner, John

From:

Swope, Caroline T.

Sent:

Tuesday, May 7, 2024 10:26 AM

To:

Waggoner, John

Cc:

rwstokes@rwscpa.com

Subject:

FW: FW: Stokes - 1018 Sherman St Set backs/variance request meeting

Hello John,

I'm following up on Ron Stokes' variance request. I will be out of town for the BOZA meeting, but wanted to let you know that the ARB doesn't have any concerns with a rear yard variance for the garage. It would be in keeping with the rhythm within the neighborhood. We look forward to working with the Stokes on design review for the garage after they move through the BOZA process. Let me know if you have any questions.

Best,

Caroline

----Original Message----

From: Waggoner, John <jwaggoner@decatur-al.gov>

Sent: Tuesday, May 7, 2024 10:00 AM

To: rwstokes@rwscpa.com

Subject: RE: FW: Stokes - 1018 Sherman St Set backs/variance request meeting

May 28th at 4:00 pm. on the 1st floor in the Council Chambers (Large wooden structure in the tower)

----Original Message----

From: rwstokes@rwscpa.com <rwstokes@rwscpa.com>

Sent: Tuesday, May 7, 2024 9:53 AM

To: Waggoner, John <jwaggoner@decatur-al.gov> Cc: Swope, Caroline T. <cswope@decatur-al.gov>

Subject: FW: FW: Stokes - 1018 Sherman St Set backs/variance request meeting

John,

What date and time will the variance hearing be for our garage project?

Thank you,

Ron

Ronald W Stokes Certified Public Accountant (CPA) Personal Financial Specialist (PFS)

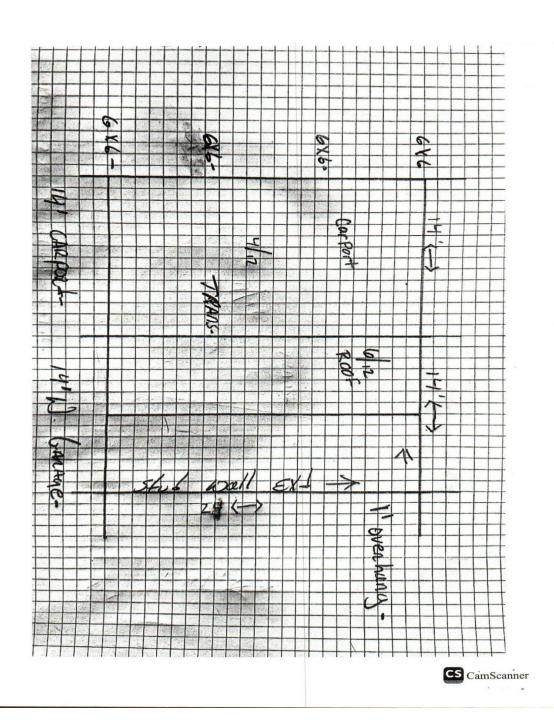
1



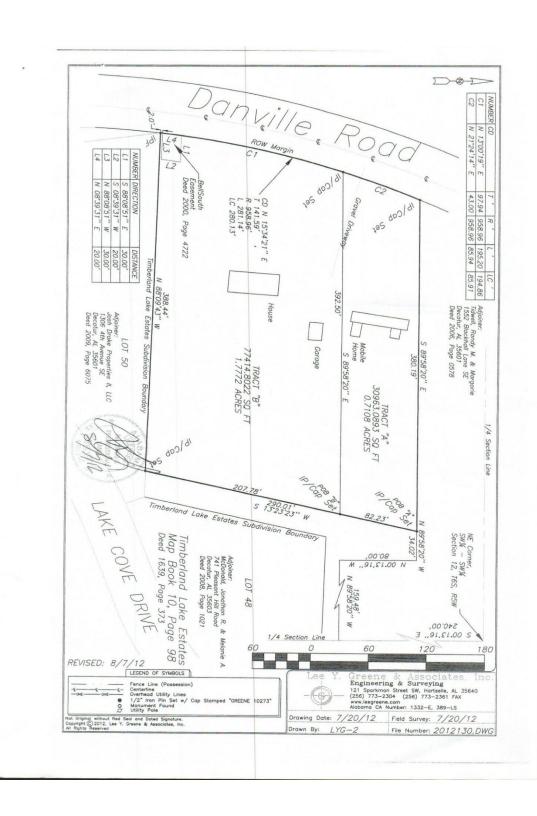


Picture 1





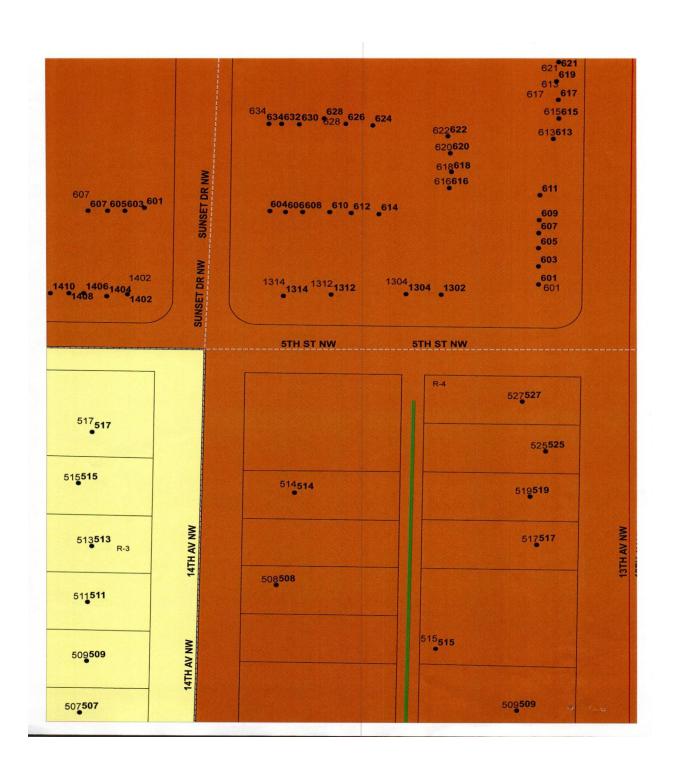
		Case #2
DECATUR	est Grand Ci	Granding Scale
02 Lee St NE 1st Floor Council Chamber		Board of Zoning Adjustment
APPLICANT: Dan Merr	, 1	
MAILING ADDR: 4214 OLD	Moulton Ro	1
CITY, STATE, ZIP: Decatur		
PHONE: 256-303-7958		
PROPERTY OWNER: Dan M	err H	
OWNER ADDR: 4214 old		
CITY, STATE, ZIP: Docatur Al		,
		,
ADDRESS FOR APPEAL: 3814	DANVIlle	Rd Docutur 350
NATUI	RE OF APPEAL:	
		IN VARIANCE
OTHER SURVEY FOR VARIANCES		INISTRATIVE DECISION NGS FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed F	Representative MUS	ST be present in order
For the case	e to be heard****	
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, #	FT FOR VARIANCES; # FOR PARKING	; HARDSHIP; TYPE OF BUSINESS)
Repedin Appeal Front	Building Lot	with Requirem
to build new house		V
Applicant Nagge (print) Dan Merrit	If and is and is a second	Office Use Received By:
Applicant Name (print) Non Merri (1) Signature On Merri (1)	If applicant is using a representative for the	Zone R-T A6-1
		-1 -1 -1
Representative Name (print) Don Morritt	request both signatures	Hearing Date 5 28 24



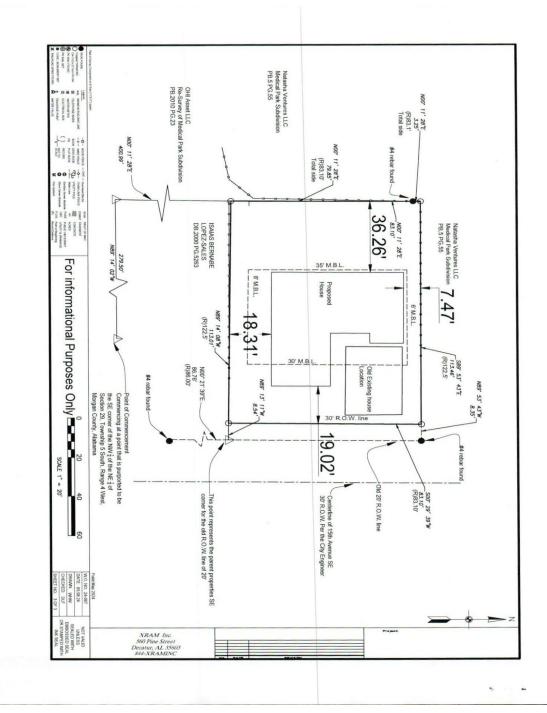
	Case #3
	Count City on a Charming Scale
DECATUR.	
22 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustment
PPLICANT: Michael Taylor	
MAILING ADDR: 2801 WISTON BL	80 8403 (amile Dr Si #30 35
ITY, STATE, ZIP: Decare Ac 356	03 Huntswife AC 35802
HONE: 250 684-7753	
ROPERTY OWNER: Ropald Hewlitt	
WNER ADDR: 2801 Wistern PL S.	E
ITY, STATE, ZIP: Decoder AL 3560	
DDRESS FOR APPEAL: 2801 Wisteria	L PL SE Decotor AL 35603
NATURE OF	APPEAL:
HOME OCCUPATION SETBACK VARIA	ANCE SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES ATTAC	DRAWINGS FOR VARIANCS ATTACHED
OTHER SURVEY FOR VARIANCES ATTAC	
****Applicants or Duly Appointed Repre	esentative MUST be present in order
****Applicants or Duly Appointed Repre	esentative MUST be present in order be heard****
****Applicants or Duly Appointed Repre	esentative MUST be present in order be heard**** ARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS) STACTURE The front yeard. Herdiship the protection from pine breaches fallow,
For the case to ke ESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR V.) Request variace to place a deteched being using current driveway and will provide Sop and other felling debris. To put a grees and other major expenses	esentative MUST be present in order be heard**** ARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS) STACTURE The front yeard. Herdiship the protection from pine breaches fallow,
For the case to be ESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR V.) Request variace to place a deteched being using current driveway and will provide Sop and other felling debris. To put a brees and other major expenses	esentative MUST be present in order be heard**** PARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS) Stacture in the front yend, Herdship de protection from pine brenches fallow, compal the rear world insulae clears
For the case to be ESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR V. Pequest various to place a deteched being using current driveway and will prove as a point of the felling debris. To put a brees and other major expenses poplicant Name (print) Michael Taylor representative Name (print) Michael Taylor reques	esentative MUST be present in order be heard**** VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS) STACTURE The front yeard, Herelship de protection from pine brenches follow, complete the rear world, make clears, plicant is using a Office Use Received By:



	Case #4
402 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustment
APPLICANT: River City Pente co	Stals
MAILING ADDR: PO. Box 461	
CITY, STATE, ZIP: Decatur, AL 35	602
PHONE: 619-997-9922 (Mich	nele Jones, Secretary)
PROPERTY OWNER: River City Per	ntecostals
OWNER ADDR: 607 Church St.	
CITY, STATE, ZIP: Decatur, AL	PHONE: 35601
ADDRESS FOR APPEAL: A X See descrip	otion
NATURE OF A	
HOME OCCUPATION SETBACK VARIANCE	SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINISTRATIVE DECISION
other— survey for variances attached *****Applicants or Duly Appointed Represe	LUDDA ODORAL MIT
For the case to be	
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIA	ANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)
5th Walley St. and 14th Ave NW	land located at (Assessor's Parcel #0206/31006002000 It have any structure on to build a church are requesting a special MU
Applicant Name (print) River City Pentecosta of applica	ant is using a Office Use Received By:
Midsela To ac	zative for the Zone $\mathbb{R}^{-\frac{1}{2}}$
Representative Name (print) Michele Jones request b Signature M. Jones are required.	ooth signatures Hearing Date May 2842024 Approved Disapproved

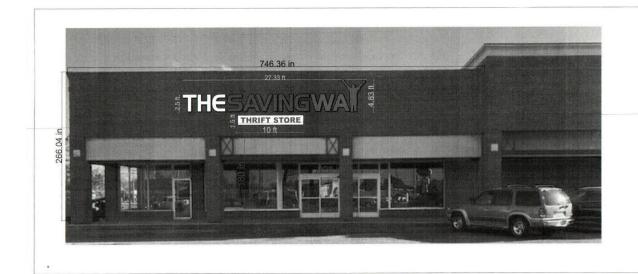


	Case #5
AND THE RESERVE OF THE PARTY OF	of Crand City on a CHARMING SCALE
DECATOR Statement	
402 Lee St NE 1" Floor Council Chamber	Board of Zoning Adjustment
APPLICANT: Brandon Lopez	
MAILING ADDR: 319 12th Ave NV	/
CITY, STATE, ZIP: Decatur, AL 3560) [
PHONE: 918-957-0542	
PROPERTY OWNER: Brandon J. Lop	ez Boj.
OWNER ADDR: 319 12th Ave Ni	
CITY, STATE, ZIP: Decatur, AL 3560	
ADDRESS FOR APPEAL: 1311 15th Ave	S€, Decatur, AL 35601
NATURE OF	APPEAL:
HOME OCCUPATION SETBACK VARIAN	NCE SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES ATTACH	
*****Applicants or Duly Appointed Repres	
For the case to b	
Requesting 10.98 ft from	RIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)
the nearby homes appe	
rode than the 30ft 5	etback requirement.
rode than the 30ft 5	
rode than the 30ft's	etback requirement. licant is using a Office Use Received By:
Applicant Name (print) Brandon lopez If apprepries	etback requirement.
Applicant Name (print) Brandon lopez If apprepries	dicant is using a Office Use Received By: Zone 2 3 Hearing Date 5/28/24



Case No. Co Board of Zoning Adjustment Carama AL 3526
Board of Zoning Adjustment
arama
AL 33261
256-859-7377
e. 1
N VARIANCE
NISTRATIVE DECISION
GS FOR VARIANCS ATTACHED
T be present in order
HARDSHIP; TYPE OF BUSINESS)
2
errent saff limit for area
Office Use Received By:
Zone B-2
Hearing Date 5 38 24 6 40
Approved Disapproved

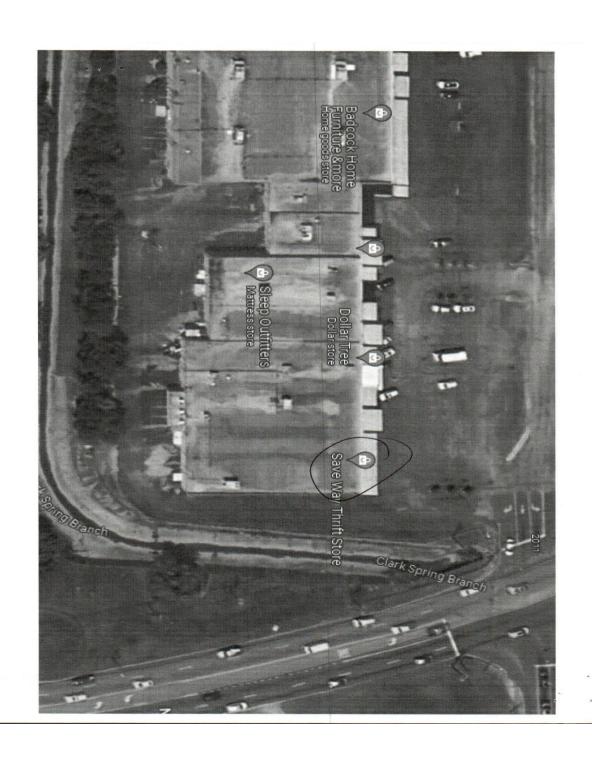
CASE NO. 6 2019 6^{TH} AVE SE SUITE 1



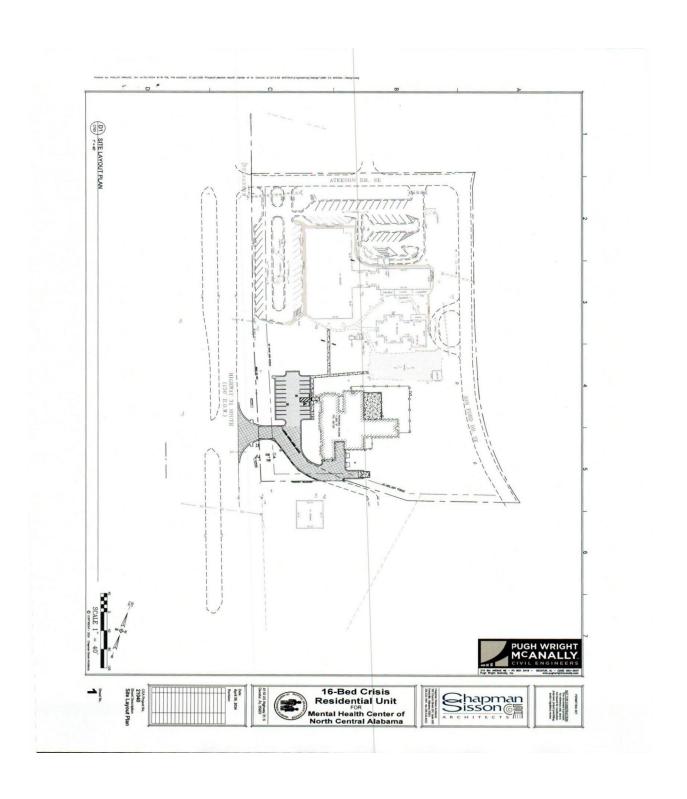
Proposed



existing



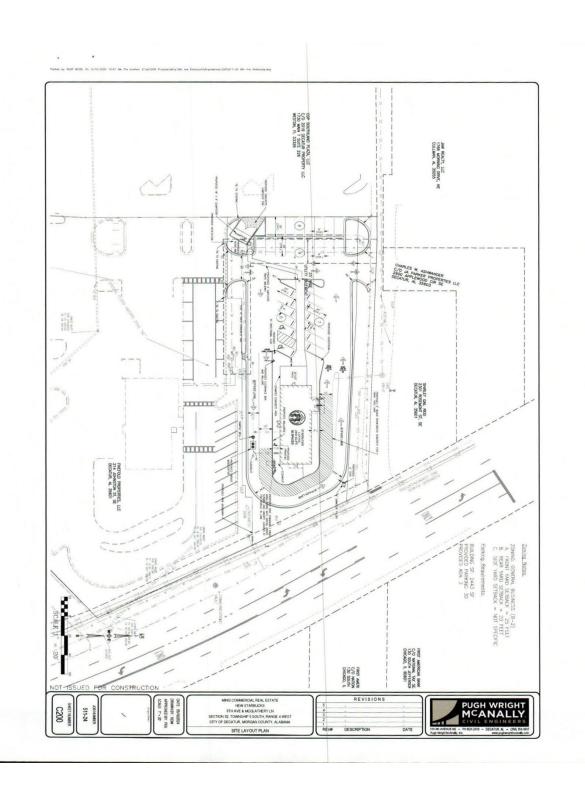
	Case No. 7
HARAMA BOSE & FREE STATE OF THE PARTY OF THE	10 Come Care of Chamber State 110
102 Los CANTO 15 Electronic Control Co	Road of Zarlan Adlantaria
402 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustment
APPLICANT: MENTAL HEALTH CENTER OF NORTH	
MAILING ADDR: 1316 SOMERVILLE ROAD SE, SUI	TE 1
CITY, STATE, ZIP: DECATUR, AL 35601	
PHONE: (256) 260-7324	
PROPERTY OWNER: MENTAL HEALTH CENTER O	NORTH CENTRAL ALABAMA INC.
OWNER ADDR:1316 SOMERVILLE ROAD SE, SUI	TE 1
CITY, STATE, ZIP: DECATUR, AL 35601	PHONE: (256) 260-7324
ADDRESS FOR APPEAL: 4204 HIGHWAY 31 SOUTH	
NATURE OF A	PPEAL:
HOME OCCUPATION SETBACK VARIANCE	SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES ATTACHED	ORAWINGS FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed Represe	ntative MUST be present in order
For the case to be l	neard****
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIAL	ILLES. # EUB BABKING- HABDSHIB, TABE UE BITCINESS)
The project site is zoned I-D (Institutional District), with mental health outpa	
existing facilities on this property. The proposed business is a new 11,800	
facility be approved as a boardinghouse under the uses permitted on appear	al for this zoning.
Applicant Name (print) Lisa S. Coleman If applican	t is using a Office Use Received By:
Signature Lis Coleman representa	tive for the Zone Z-O
Representative Name (print) PHILLIP KRAUSE request be	th signatures Hearing Date $\frac{5}{28}/24$
Signature They have are require	, ,
5/9/2024 Signer ID: 2PZ9QOG610	



Site Plan

	Control Control Congressive Species
SO SO A GROSS	Case #8
402 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustment
APPLICANT: MING COMMERCIAL REAL ES	TATE GROUP
MAILING ADDR: 116 N MARION STREET	
CITY, STATE, ZIP: ATHENS, AL 35611	
PHONE: (256) 232-3001	
PROPERTY OWNER: Fivefold Properties, L	LC
OWNER ADDR: 149 Bakers Farm Drive	
CITY, STATE, ZIP: Decatur, AL 35603	PHONE: (850) 496-0993
ADDRESS FOR APPEAL: SOUTHEAST COR	NER OF 6TH AVE & McGLATHERY LN, NEXT TO CULVERS
NATUI	RE OF APPEAL:
HOME OCCUPATION SETBAC	K VARIANCE SIGN VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES	ATTACHED DRAWINGS FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed R	epresentative MUST be present in order
	e to be heard****
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # F	T FOR VARIANCES; # FOR PARKING: HARDSHIP: TYPE OF BUSINESS)
	ke to request a parking stall variance and a sign setback variance. Per
	requesting 30 parking stalls be permitted due to lot size constraints. A 22'
tall pylon sign with 6'x6' cabinet is proposed at the sites NE co	ner, at the intersection of 6th Ave and McGlathery Ln. The sign would
have a setback of 15' from 6th Ave ROW and 1' from McGlathe	ry Ln ROW. The alternative location of the properties SE corner would
directly conflict with the existing Culvers sign. The request for a	22' sign height is due to the hardship caused by the location of the
adjacent nutrition building which blocks the line of sight from 6t	n Ave southbound.
Applicant Name (arint) William Ming (Ming Commercial)	If applicant is using a Office Use Received By:
Signature Siller Fully	representative for the Zone M-/
Representative Name (print) Phillip Krause (Pugh Wright McAnally)	request both signatures Hearing Date 5/28/24
Signature Signer 10: 2P Z9QQQB10	are required Approved Disapproved
5/9/2024	

CASE NO. 8 STARBUCKS



Site Plan

SIGN ARTWORK PROOF SHEET DRIVE THRU Contact Info: **Proposal Prepared For:** Larry's Signs, Inc. **Heather Whitt** 2900 US Hwy 31 SW Hartselle, AL 35640 Approval Signature: www.larrysigns.com hwhitt@larrysigns.com ① 256-773-1091 f) 256-773-6195 This is an original drawing created by Larry's Signs, Inc. It is submitted for your personal use in connection with a project being planned for you by Larry's Signs, Inc. This drawing is not to be used, reproduced, copied, or exhibited in any fashion without the written consent of Larry's Signs, Inc. Any changes to this artwork must be requested in written form. Verbal changes are not guaranteed.