



## **Board of Zoning Adjustment**

### **BOARD OF ZONING ADJUSTMENT**

**June 25<sup>th</sup>, 2024**

**Pre-meeting – 3:30 p.m. (7<sup>th</sup> Floor)**

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

## TABLE OF CONTENTS

<b>MINUTES .....</b>	<b>3</b>
<b>AGENDA.....</b>	<b>8</b>
<b>CASE NO.1 4204 HIGHWAY 31 SOUTH.....</b>	<b>9</b>
SITE PLAN .....	10
<b>CASE NO. 2 110 2<sup>ND</sup> AVENUE NE.....</b>	<b>11</b>
ZONING TEXT AMENDMENT.....	12
<b>CASE NO. 3 4403 SHAWNEE CIRCLE SE .....</b>	<b>13</b>
SURVEY.....	14
<b>CASE NO. 4 702 APPALOOSA LANE SW.....</b>	<b>15</b>
SURVEY.....	16
<b>CASE NO. 5 433 JOHNSTON STREET SE .....</b>	<b>17</b>
SIGN DESIGN .....	18
SURVEY.....	19

## MINUTES

**MEMBERS PRESENT:** Chair Delayne Dean, Mr. Chester Ayers, Mr. Jeremy Goforth, and Mr. Tom Polk

**SUPERNUMERARIES:**

**OTHERS PRESENT:** Mrs. Ruth Priest, Assistant City Attorney  
Mr. Tommie Williams, Planner  
Mr. Josiah Harris, Planning Administrative Assistant II  
Mr. Bob Sims, Building Inspector  
Mr. John Waggoner, Inspector Manager and Recorder

Chair Delayne Dean called the meeting to order at 4:07 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 April 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 April 2024 meeting were approved.

### 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.

Ronald Stokes presented this case to the Board. Mr. Stokes stated his name and address as 1018 Sherman St SE Decatur. Mr. Stokes stated he would like to build a detached garage at the rear of the property for additional parking. Mr. Stokes stated the neighbor's fence exists 8 feet inside of the neighbor's property line. Mr. Stokes stated if they set the garage back 5 feet from the property line he would be losing 13 feet of back yard. Mr. Stokes stated he would like to build 1 foot away from the property line so the garage would line up with the house.

Chair asked for questions from the Board. None. Chair asked for 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 set-back variance. Chester Ayers made a second. Chair called for role. All yes, the motion was approved.

## **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.

Don Merritt presented this case to the Board. Mr. Merritt stated his name and address as 4214 Old Moulton Road. Mr. Merritt stated he is requesting a variance for 3814 Danville Road SW.

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 lot width variance. Tom Polk made a second. Chair called for role. All yes, the motion was approved.

## **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.

Michael Taylor presented this case to the Board. Mr. Taylor stated his name and as 2801 Wisteria Place SE. Mr. Taylor stated he is requesting a variance to build a carport in the side yard. Chair asked if there is currently a garage on site. Mr. Taylor stated yes. Chair asked if this variance is for a carport that will share the same driveway. Mr. Taylor stated yes.

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 variance. Chester Ayers made a second. Chair called for role. All yes, the motion was approved.

## **CASE NO. 4**

Application and appeal of River City Pentecostals 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 5<sup>th</sup> Street NW and 14<sup>th</sup> Avenue with a parcel number of 02 06 13 1 006 002.000. Property is located in an R-4, Multi-Family Residential District.

Pastor Jones presented this case to the Board. Pastor Jones stated his name and address for the appeal as the corner of 5<sup>th</sup> Street and 14<sup>th</sup> Avenue NW. Pastor Jones stated the land was donated to the church and they would like a variance to construct a new church. Chair stated the request is for a use permitted on appeal. Chair stated if approved the church must still adhere to the requirements for parking and construction of the church.

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. Tommie Williams stated to be mindful of the small lot. Chair closed call for public testimony. Chair asked the Board for its ruling. Jeremy Goforth made a motion to vote on the use permitted on appeal. Chester Ayers made a second. Chair called for role. All yes, the motion was approved.

#### **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 two one hundredths (19.02) feet from the front property line located at 1311 15<sup>th</sup> Avenue SE. Property is located in an R-3, Single Family Residential District.

Brandon Lopez presented this case to the Board. Mr. Lopez stated his name and address as 1311 15<sup>th</sup> Avenue SE. Mr. Lopez stated he is requesting a 10.98 feet front yard set-back variance. Mr. Lopez stated existing homes in the neighborhood are situated close to the road and the old house was even closer. Mr. Lopez stated he is planning to build a new house 19.02 feet from the road.

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. Tom Polk made a second. Chair called for role. All yes, the motion was approved.

#### **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 6<sup>th</sup> Avenue SE Suite 1. Property is located in a B-2, General Business District.

Chris Lang presented this case to the Board. Mr. Lang stated he is the manager for Signarama. Mr. Lang stated the client is moving from their Madison location to Decatur and wants to re-locate their sign. Mr. Lang stated he would like to ask for a sign area variance to install the sign at the new location. Routh Priest asked Mr. Lang if he had the authority to represent Signarama. Mr. Lang stated yes. Routh Priest stated that Mr. Lang would have to amend the application as representative.

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 sign area variance. Tom Polk made a second. Chair called for role. All yes, the motion was approved.

## **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.

Chair stated Tom Polk must recuse himself from this case because of previous involvement with the architect as a City of Decatur employee, and therefore the case must be tabled until next month meeting due to lack of necessary votes.

## **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 6<sup>th</sup> Avenue SE from Section 25-77 (e) (3)
- (4) a seven (7) feet sign height variance for the 6<sup>th</sup> 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 6<sup>th</sup> Avenue SE and McGlathery Lane SE. Property is located in an M-1, Light Industry District.

William Ming presented this case to the Board. Mr. Ming stated his name and address as 116 North Marion Street Athens Alabama and is with Ming Commercial Realty. Mr. Ming stated they are the developer for the new Starbucks. Mr. Ming stated this lot is adjacent to Culvers and has been vacant for a long time. Mr. Ming stated the lot started with .9 acres and was reduced to .7 after required right of ways were established for McGlathery Lane. Mr. Ming stated 30 parking spaces is all the parking that would fit on-site. Mr. Ming stated all of the sign variances are related to the pole sign and the only location it can be placed on the lot. Mr. Ming stated if they moved the sign to the other side it would block Culvers sign.

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 parking and sign area variances. Chester Ayers made a second. Chair called for role. All yes, the motion was approved.

Chair asked for any new business. None

Meeting adjourned at 4:28 p.m.

---

Delayne Dean, Chair

## **AGENDA**

### **CASE NO. 1**

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 16 bed mental health facility located at 4204 Highway 31 South. The property is located in an I-D, Institutional District.

### **CASE NO.2**

Application and appeal of Jason Pitts for a use permitted on appeal from Section 25-11 for on premise sale of alcoholic beverages to operate a lounge in The Little Cigar shop located at 110 2<sup>nd</sup> Avenue NE. The property is located in a B-5, Central Business District.

### **CASE NO. 3**

Application and appeal of Adam Weiger for a:

- (1) 12 feet rear yard set-back variance from Section 25-10.8 (2) (d.) to construct a covered porch
- (2) 2.67 feet side yard set-back variance from Section 25-10.8 (2) (e.) to construct a master bathroom addition,
- (3) variance from Section 25-2 (1) to construct a detached accessory structure in the side yard

located at 4403 Shawnee Circle SE. The property is located in an R-1, Single Family Residential District.

### **CASE NO. 4**

Application and appeal of John Mizell for a 13 feet rear yard set-back variance from Section 25-10.9 (2) (d.) to construct a pergola with a metal roof located at 702 Appaloosa Lane SW. The property is located in an R-2, Single Family Residential District.

### **CASE NO. 5**

Application and appeal of Burney & Burney LLC for a 10 feet set-back variance from Section 25-77 (e) (3) to install a 33.04 square feet sign located at 433 Johnston Street SE. The property is located in a B-2, General Business District.



Case No. 7



402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: MENTAL HEALTH CENTER OF NORTH CENTRAL ALABAMA INC.

MAILING ADDR: 1316 SOMERVILLE ROAD SE, SUITE 1

CITY, STATE, ZIP: DECATUR, AL 35601

PHONE: (256) 260-7324

PROPERTY OWNER: MENTAL HEALTH CENTER OF NORTH CENTRAL ALABAMA INC.

OWNER ADDR: 1316 SOMERVILLE ROAD SE, SUITE 1

CITY, STATE, ZIP: DECATUR, AL 35601 PHONE: (256) 260-7324

ADDRESS FOR APPEAL: 4204 HIGHWAY 31 SOUTH

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)

The project site is zoned I-D (Institutional District), with mental health outpatient and transitional housing currently being provided in existing facilities on this property. The proposed business is a new 11,800 square foot, 16 bed, mental health facility. We request this facility be approved as a boardinghouse under the uses permitted on appeal for this zoning.

Applicant Name (print) Lisa S. Coleman

Signature *Lisa S. Coleman*

Representative Name (print) PHILLIP KRAUSE

Signature *Phillip Krause*

Date 5/9/2024 Signer ID: 2P29Q0G6T0...

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

Office Use Received By: *[Signature]*

Zone I-D

Hearing Date 5/28/24

Approved/Disapproved

CASE NO.1 4204 HIGHWAY 31 SOUTH



Case #2



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: THE LITTLE CIGAR SHOPPE  
 MAILING ADDR: 110 2ND AVE NE  
 CITY, STATE, ZIP: DECATUR, GA. 30601  
 PHONE: 256.686.0168

PROPERTY OWNER: JASON PITTS  
 OWNER ADDR: 1528 SOUTHAMPTON CT SE  
 CITY, STATE, ZIP: DECATUR, GA. 30601 PHONE: 256.345.4691

ADDRESS FOR APPEAL: 110 2ND AVE 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; HARSHIP; TYPE OF BUSINESS)

WE ARE WANTING A SMALL BAR UPSTAIRS IN OUR LOUNGE TO SERVE SELECT SPIRITS AND BEER. 13AR WILL HAVE 7/8 SEATS ALONG WITH THE 10 SEATS <sup>CHURCH</sup> IN THE LOUNGE. WE WILL NOT SERVE FOOD AS WE DO NOT HAVE SPACE / GREASE TRAP / EXHAUST HOOD REQUIRED TO DO SO.

Applicant Name (print) JASON PITTS  
 Signature [Signature]  
 Representative Name (print) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_

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

Office Use Received By: [Signature]  
 Zone B-5  
 Hearing Date 6/25/24  
 Approved/Disapproved \_\_\_\_\_

CASE NO. 2 110 2<sup>ND</sup> AVENUE NE



ORDINANCE NO. 24-4581

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR, ALABAMA as follows:**

**Zoning Text Amendment 249-24**

The effect of the proposed amendment will be to amend Section 25-11.

**Section 1:** That the paragraph entitled uses permitted and uses permitted on appeal of the subsection entitled B-5 (Central business district) of section 25-11 business district requirements is hereby amended to read as follows:

**Sec. 25-11 – Business district requirements; B-5 (Central Business District)**

Uses permitted: Off premises sale of alcoholic beverages; On premises sale of table wine; *restaurants:* On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty (50) or more rooms for rent to the public; residential dwellings (multiple family or single family); provided that such dwellings conform to all requirements set forth in the residential zoning requirements (section 25-10) other than the maximum height provision, setback requirements, lot size, and parking set forth therein, which shall not be applicable. Retail stores and markets, including the following types: food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; event venues, filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels; post offices; banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks.

Uses permitted on appeal: *Class 1 restaurants; On premises sale of alcoholic beverages with the intent that possible impacts on nearby citizens who live or have businesses should be addressed during the board of zoning adjustment hearing process;* clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments other than any classification of restaurant which have monthly gross receipts from the serving of meals and food that constitute at least sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a use permitted on appeal for a residential use; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that chapter, as last amended; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted.



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Adam Weiger

MAILING ADDR: 4403 Shawnee Cir Se

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 256-836-4473

PROPERTY OWNER: Adam & Linda Weiger

OWNER ADDR: "Same as above" 4403 Shawnee Cir SE

CITY, STATE, ZIP: Decatur, AL35603 PHONE: 256-836-4473

ADDRESS FOR APPEAL: 4403 Shawnee Cir. SE

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 would like to intall the follwoing to our home: Detached garage, Covered Patio, In ground Pool, Master Bath addition, Storage addition. After speaking with the buidling department, most of these additions/improvements require a variance, or special approval. Hardships are as follows: Limited property available on the side boundries and also the rear boundry. The current roof lines on the front of the house are more conducive and budget frieindly for our desired additions. We have not had final Drawings completed due to not knowin what is possible. The survey reflects our desired outcome.

Applicant Name (print) Adam Weiger

Signature \_\_\_\_\_

Representative Name (print) Adam Weiger

Signature [Signature]

Date 5/30/2024

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

Office Use Received By: [Signature]

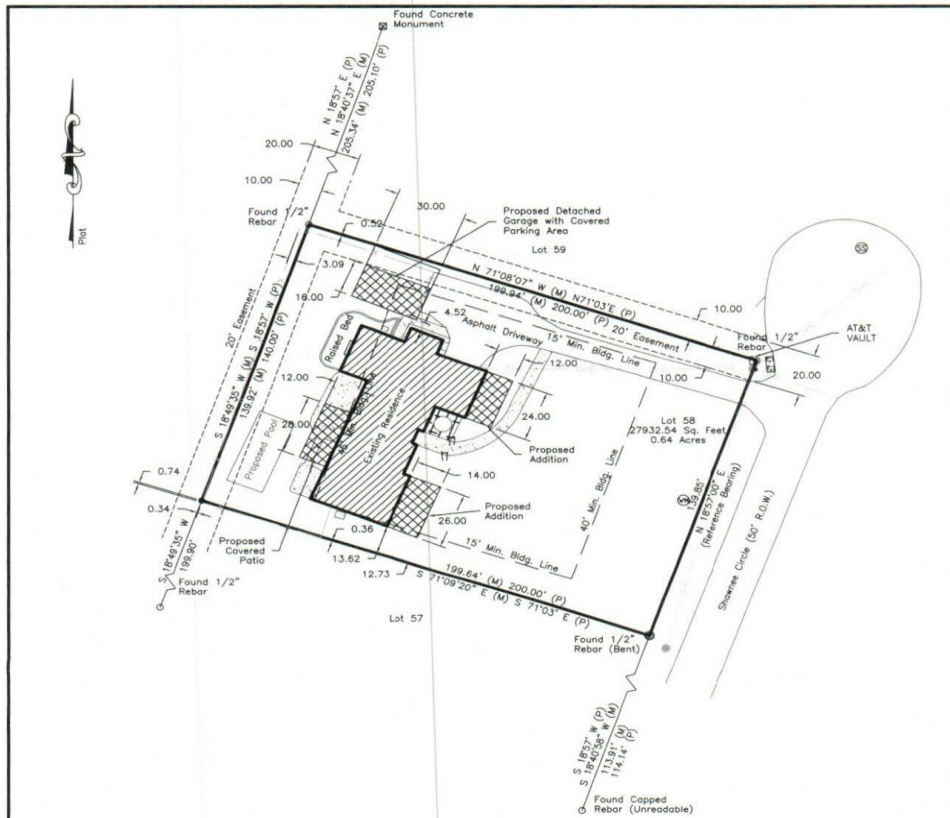
Zone R-1

Hearing Date 6/25/24

Approved Disapproved \_\_\_\_\_

*Per conversation*

CASE NO. 3 4403 SHAWNEE CIRCLE SE



STATE OF ALABAMA  
COUNTY OF MORGAN

I, Ricky J. Wilhite, a Registered Land Surveyor, State of Alabama, hereby report that to the best of my knowledge, information and beliefs, the following is a true and correct map or plat of the following described tract of land:

Lot 58 of Burningtrees Estates Subdivision, Addition No. 1 to Decatur, Alabama, as shown by plat of said subdivision on file and of record in the Office of the Judge of Probate of Morgan County, Alabama, in Map Book 5, Page 46, said tract being in the County of Morgan, State of Alabama. Said tract being subject to any existing easements and rights of way both recorded and unrecorded.

I hereby certify that I have consulted the FIRM (Flood Insurance Rate Map) prepared by the U.S. Department of Housing and Urban Development in cooperation with the Federal Administration, Community Panel No. 01103C0095 F, Dated August 16, 2018 and found the above described property lies within Flood Zone "X". This determination has not been verified with field data, but from map overlays only.



LEGEND	
PROPERTY COR. FOUND	○
PROPERTY COR. SET	●
PLAT	(P)
MEASURED	(M)
MAILBOX	⊕
RIGHT-OF-WAY	R.O.W.
ELECTRIC POLE	⊕
GUY WIRE	⊕
ELECTRIC METER	⊕
OVERHEAD ELEC.	⊕
FENCE LINE	⊕
WATER METER	⊕
WATER VALVE	⊕
LIGHT POLE	⊕
CONCRETE	⊕

I hereby state that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Land Surveying in the State of Alabama, this being to the best of my knowledge, information and beliefs. Copyrighted by Ricky J. Wilhite, no part of this drawing may be copied, added to, altered or reproduced by any means without the permission from Ricky J. Wilhite, Alabama License No. 21785.

**Wilhite Surveying, LLC**  
 P.O. Box 1  
 Vinesport, AL 35170  
 Phone: (256) 727-5144

Adam Weiger  
 Boundary Survey  
 Ref. Plat Book 5, Page 46

RJW 1"=40' 4-25-24  
 2024-022





A Grand City on a CHARMING SCALE

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: John Mizell / Mizell's Renovations  
 MAILING ADDR: 8160 Hwy 53 Toney AL 35773  
 CITY, STATE, ZIP: Toney AL 35773  
 PHONE: 256-656-3809

PROPERTY OWNER: Gordon Dunn  
 OWNER ADDR: 702 Appalossa LN  
 CITY, STATE, ZIP: Decatur AL 35603 PHONE: 256-836-1543

ADDRESS FOR APPEAL: 702 APPALOSSA LN Decatur AL 35603

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)

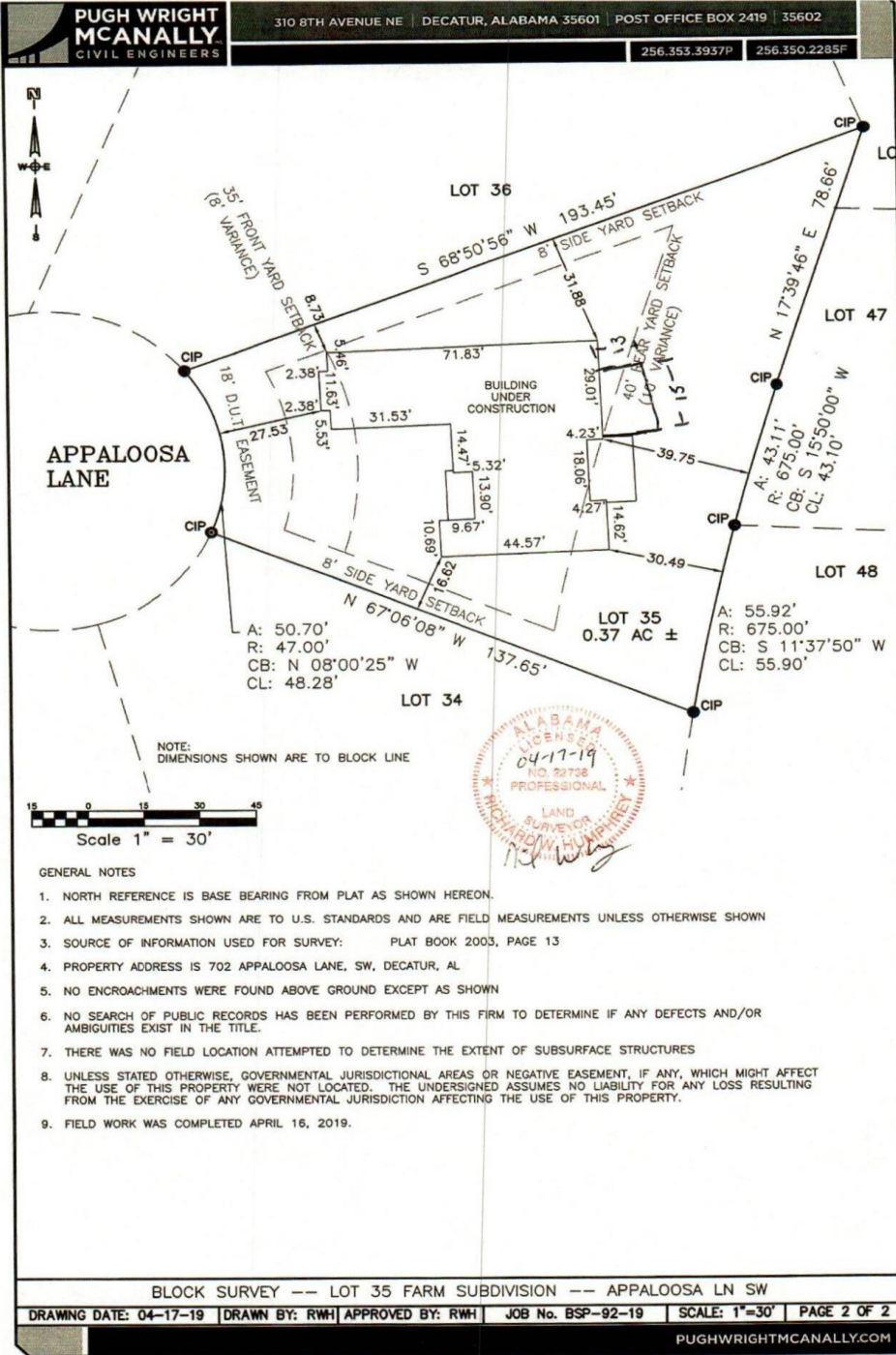
To Build A Pergola with Metal Roof over  
Ex. stng Patio Area  
31' ~~20'~~ Rear Yard SetBack

Applicant Name (print) John Mizell  
 Signature [Signature]  
 Representative Name (print) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date 6/10/24

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

Office Use Received By: [Signature]  
 Zone R-2  
 Hearing Date 6/25/24  
 Approved/Disapproved \_\_\_\_\_

CASE NO. 4 702 APPALOOSA LANE SW



Survey



Case #5



402 Lee St NE 1<sup>st</sup> Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Burney & Burney

MAILING ADDR: PO Box 1474

CITY, STATE, ZIP: Decatur, Al 35602

PHONE: 256-350-9988

PROPERTY OWNER: Burney Properties

OWNER ADDR: 433 Johnston st SE

CITY, STATE, ZIP: Decatur, Al 35601 PHONE: 256.350.9988

ADDRESS FOR APPEAL: 433 Johnston st SE Decatur Al 35601

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\*\*\*\*\***

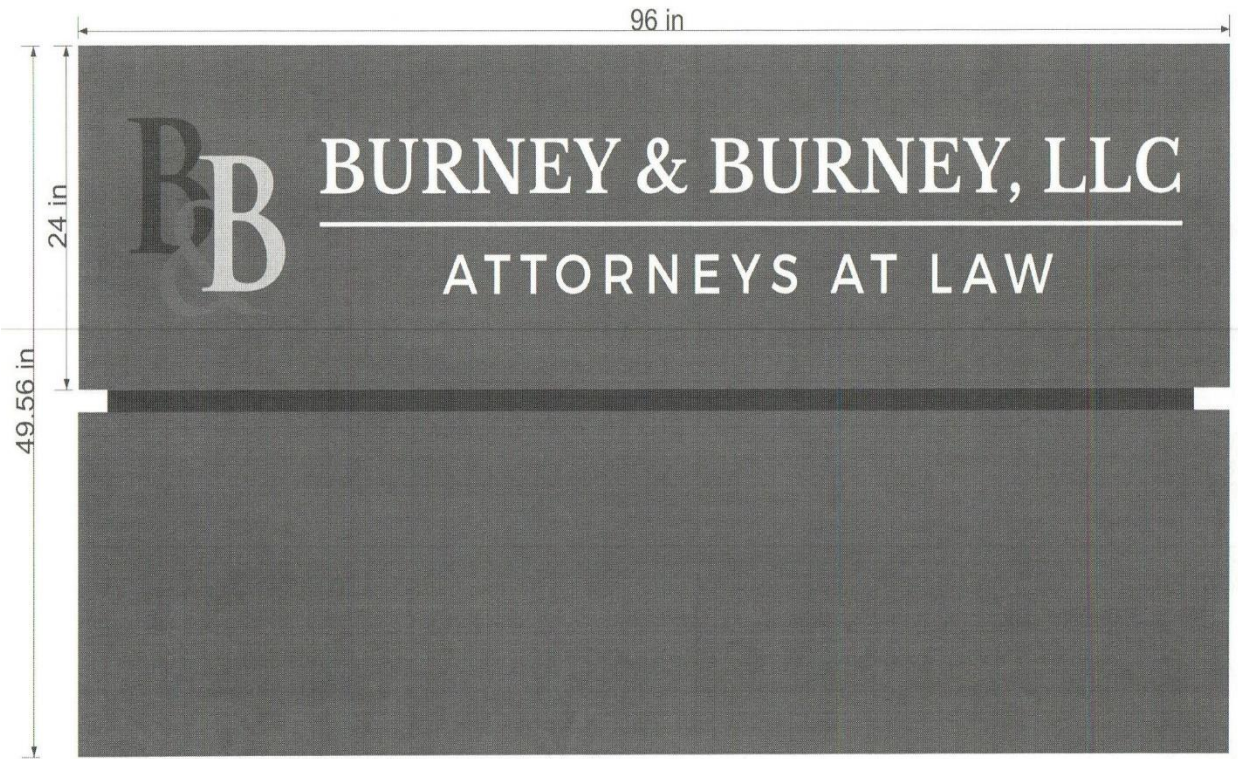
**DESCRIBE APPEAL IN DETAIL:** (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)

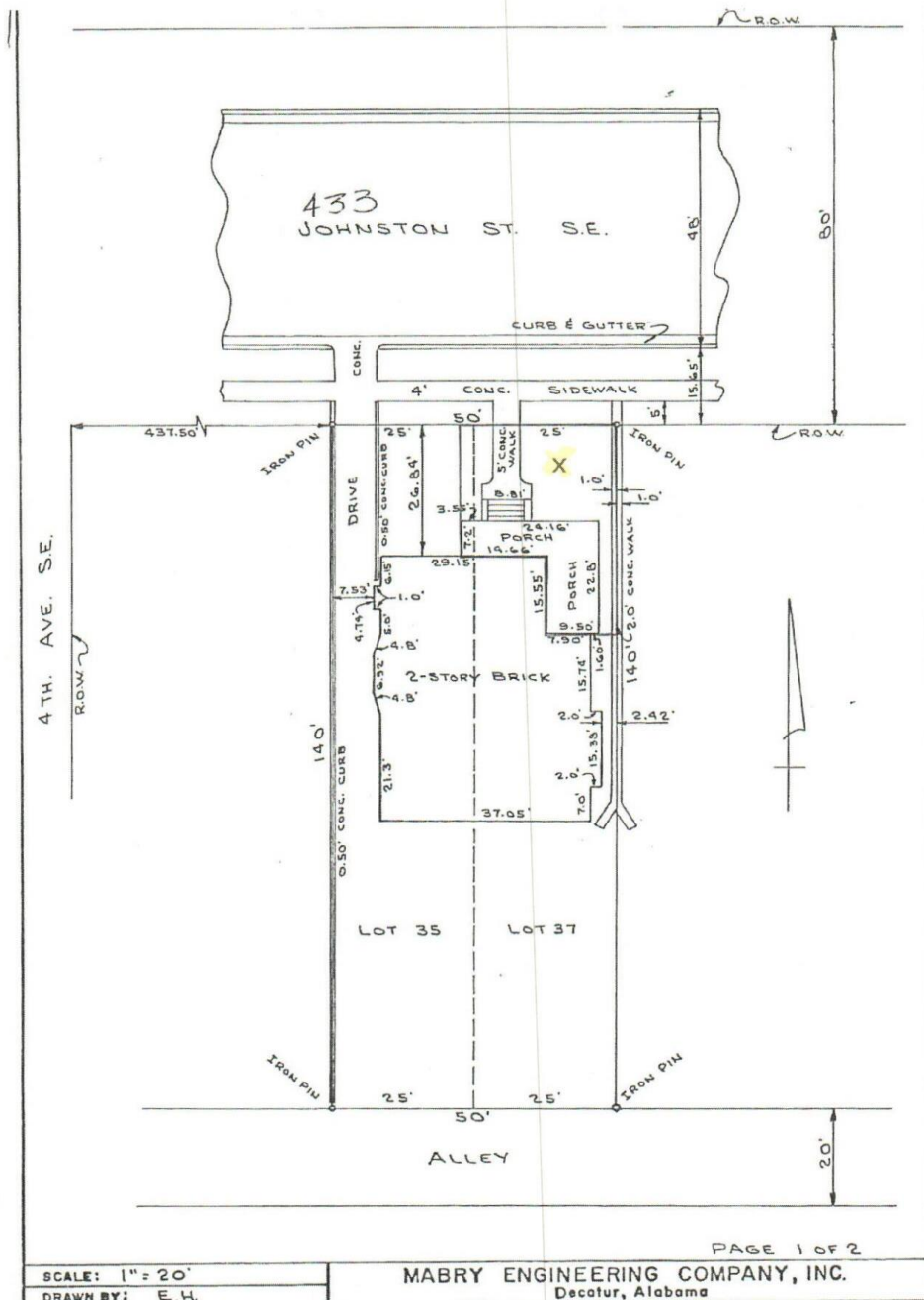
Seeking a 10' front yard set back for a 50" OAH monument sign, 16 square feet. Code requires a 15' front yard setback. If we were to meet setback, the sign would be next to the office. The next door sign received a 9' variance in 2021.

Applicant Name (print) Burney & Burney LLC If applicant is using a  
 Signature \_\_\_\_\_ representative for the  
 Representative Name (print) J. Brent Burney request both signatures  
 Signature \_\_\_\_\_ are required  
 Date 6/10/24

Office Use Received By: \_\_\_\_\_  
 Zone B-2  
 Hearing Date 6/25/24  
 Approved/Disapproved \_\_\_\_\_

CASE NO. 5 433 JOHNSTON STREET SE





Survey