



## **Board of Zoning Adjustment**

### **BOARD OF ZONING ADJUSTMENT**

**August 27th, 2024**

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

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

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## MINUTES

**MEMBERS PRESENT:** Chair Delayne Dean, Mr. Chester Ayers, Mr. Jeremy Goforth, Mr. Mark McCurry, 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 June minutes required any corrections. Mr. Tom Polk stated Mr. Mark McCurry name was missing from Members Present. Chair Dean asked for a motion to approve the minutes with the requested changes. Mr. Jeremy Goforth motioned to approve the minutes. Mr. Chester Ayers seconded the motion. On a voice vote, all yes, the motion carried. The minutes from the June 2024 meeting were approved.

### CASE NO. 1

Application and appeal of God's Love Covenant Church for a:

- (1) 9.1 square foot sign area variance from Section 25-77 (a) (1)
- (2) 1.3 sign height variance from Section 25-76 (a) (1)

to install a sign located at 601 Memorial Drive SW. The property is located in an R-2, Single Family Residential District.

Carl Willingham presented this case to the Board. Mr. Willingham stated his name and address as 601 Memorial Drive SW. Mr. Willingham stated they are asking for a variance to install a digital sign. Colston Miller with Suntronics LED stated his name and address as Rogersville AL. Mr. Miller stated his company will be providing and installing the sign. Mr. Miller stated the additional top cabinet will put them over the allowed square footage. Mr. Miller stated the top cabinet will be lit at all times and can be controlled to meet any requirements. Mr. Miller stated there are other lighted top cabinet signs in the area. Mr. Miller stated the variance is needed to get the Church's message out.

Chair asked for questions from the Board. Tom Polk asked if the 48"x96" sign is a standard industry size and why the size cannot be accommodated. Mr. Miller stated a step down would be a 3'x6' or 3x8'. Chair asked if digital signs are made in standard sizes. Mr. Miller stated yes. Mr.

Willingham stated the current sign does not allow for the full name of the church to be displayed and stressed the importance of this variance for a digital sign. Routh Priest asked for a condition of a signed letter from the property owner giving permission to install the sign. Tom Polk asked if this variance request is due to industry standard sign sizes and getting the message out. Mr. Miller stated the digital signs are a standard size and the smaller sizes limit the amount of messaging that can be displayed. Tom Polk asked can the temporary signs be eliminated if the variance was granted. Mr. Willingham stated yes. Mr. Miller stated the new sign would be more aesthetically appealing.

Chair asked for any other 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. Tommie Williams stated this church is located in a residential area and to be mindful of the surroundings. Mr. Miller stated the sign can be programmed to comply with regulations. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve with condition of receipt of a letter from the property owner giving permission within 6 weeks. Mark McCurry made a second. Chair called for role. All yes, the motion was approved.

## **CASE NO.2**

Application and appeal of Francisco Hernandez for a 4.35 feet front yard set-back variance from Section 25-10.8 (2) (c) to construct a new single family dwelling 35.65 feet from the front property line located at 3705 Montclair Road SW. Property is located in an AG-1, Agricultural District.

Francisco Hernandez presented this case to the Board. Mr. Hernandez stated his name and address as 3325 Danville Road SW. Mr. Hernandez stated he is requesting a 5 foot front yard set-back variance at 3705 Montclair Road SW. Jeremy Goforth asked if the surveyor set the pins wrong. Mr. Hernandez stated he was unsure what happened. Mr. Hernandez stated there was a block line survey performed and no one caught the mistake. Tom Polk asked if it was in compliance in all other ways. Mr. Hernandez stated he assumes so.

Chair asked for any other 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 approve as submitted. Tom Polk made a second. Chair called for role. All yes, the motion was approved.

## **CASE NO. 3**

Application and appeal of MMDC for a:

- (1) 8.8 feet rear yard set-back variance from Section 10.10 (2) (d)
- (2) 4.9 feet side yard set-back variance from Section 25-10.10 (2) (e)

to construct a new single family dwelling 26.2 feet from the rear property line and 1.1 feet from the side property line located at 811 Vine Street NW. Property is located in an R-3, Single Family Residential District.

Ron Black presented this case to the Board. Mr. Black stated his name and address as 13451 Mooresville, Road Athens AL. Mr. Black stated he needed set-back variances to fit the house on the property without having to re-draw the plans. Chair asked for questions from the Board. Tom Polk asked if there were no other floor plans possible. Mr. Black stated not with the square footage the customer wants. Tom Polk asked if the lot is the same size when purchased. Mr. Black stated yes. Tom Polk asked what the hardship is for not complying with zoning ordinance. Mr. Black stated the need for square footage. Chair asked for the square footage of the home. Mr. Black stated 2800 square feet. Chair stated concern over the 1.1 feet side yard and the potential effect to the adjoining lot. Chair stated an option to consider would be to consolidate the 2 lots. Bob Sims stated the easement would also need to be vacated with the consolidation.

Chair asked for any other 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. Chair closed call for public testimony. Chair asked the Board for its ruling. Chester Ayers motioned to approve. Mark McCurry made a second. Chair called for roll, Jeremy Goforth Yes, Tom Polk No, Chester Ayers Yes, Mark McCurry Yes, Delayne Dean No, the motion failed to carry.

#### **CASE NO. 4**

Application and appeal of Huntsville LD, LLC for a:

- (1) 35 feet rear yard set-back variance from Section 25-10.10 (2) (d)
- (2) 2081 square feet lot area variance from Section 25-10.10 (2) (a)

to construct a new single family dwelling 0 feet from the rear property line located at 220 Clear Creek Drive SW. Property is located in an R-3, Single Family Residential District.

Richard Humphries with Pugh Wright McAnally presented this case to the Board. Mr. Humphries stated his name and address as 310 8<sup>th</sup> Avenue SE. Mr. Humphries stated they are requesting these variances for a new single family home to be built on the lot. Mr. Humphries stated the rear portion of the lot is in a FEMA floodway. Mr. Humphries stated they are currently in the process of removing the lot from the floodplain with a LOMR-F so the future owner will not have to pay for flood insurance. Mr. Humphries stated the flood plain areas of the lot have been filled but the floodway portions cannot be. Mr. Humphries stated they would like to move the property line up to the flood way which would leave the lot with an un-buildable area with standard set-backs. Mr. Humphries stated a home could be built on the lot with variances and by placing it close to the floodway line. Mr. Humphries stated the intention of this proposal is whomever purchases this lot will also have the opportunity to buy the remaining portion of the lot and use it as a backyard only with no allowed structures. Routh Priest stated Mr. Humphries would need permission to represent

this case. Permission was granted. Daniel Hudson stated his name and address as 1000 Emerald Way Hartselle AL.

Chair asked for questions from the Board. Chair asked what size house will fit on a 2,000 square foot lot. Mr. Hudson stated a 2 story 2100 square feet home. Chair asked if this home would be similar to the other homes that would be constructed. Mr. Humphries stated yes it would be comparable. Tom Polk asked how we got here. Mr. Humphries stated the original developer sold the subdivision to Rausch Coleman who desires to eliminate any floodplain concerns for their customers. Tom Polk asked if there was any areas designated for signage. Mr. Hudson stated that there is some common area in the front. Tom Polk asked if the common area is associated to this lot. Mr. Hudson stated no. Mr. Hudson stated that his company builds affordable homes and government backed loans will not support homes built in the floodplain. Mr. Humphries stated the other lots will be filled to get them out of the flood plain but this particular lot is challenging in that a flood way cuts across the corner of the lot and FEMA regulations do not allow fill without extensive calculations and re-mapping. Chair asked from the beginning was the lot intended for a new home to be constructed. Mr. Humphries stated yes. Tom Polk stated he has not heard a hardship and asked why is the property being subdivided to eliminate the flood way. Mr. Hudson stated a number of their customers have government backed loans which do not allow for the property to be in a flood way. Tom Polk asked what will happen to lot 1b. Mr. Humphries stated the intention is to offer that portion to whomever purchases 1a for their back yard. Mr. Humphries stated 1b would be un-buildable but could be used as yard space.

Chair asked for any other 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. Tommie Williams stated the plat had been approved and hardships cannot be financial. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve as submitted. Jeremy Goforth made a second. Chair called for role. All yes, the motion was approved.

Chair asked for any new business. None

Meeting adjourned at 4:56 p.m.

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Delayne Dean, Chair

## **AGENDA**

### **CASE NO. 1**

Application and appeal of Winston Fite for relief from an administrative decision to deny a building permit and a variance from Section 25-18 to install temporary office trailers located at 3326 Highway 31 South. Property is located in an M-1, Light Industry District.

### **CASE NO. 2**

Application and appeal of Bruce Causey for a:

- (1) 28.66 square feet sign area variance from Section 25-78 (d)
- (2) 2.83 feet sign height variance from Section 25-78 (d)

to install a sign located at 402 Moulton Street E. Property is located in a B-2, General Business District.



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

Board of Zoning Adjustment

APPLICANT: Winston FITE

MAILING ADDR: 3116 Sadan Road, Suite A

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 256-353-5759

PROPERTY OWNER: Bramlett Auto Sales, Inc.

OWNER ADDR: 3305 Hwy 31 S

CITY, STATE, ZIP: Decatur, AL 35603 PHONE: 256-303-7181

ADDRESS FOR APPEAL: 3326 HWY 31 S, 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)

Variance on code Section 25-1B.  
Install temporary transfer for owner to occupy during construction.  
Temp transfer to be removed at end of construction project. Project duration 8 months  
Starting on 9/2/24 through early 5/2/24.

Dimensions - 25'4" x 56', Car Dealership

Applicant Name (print) Winston FITE

Signature Winston Fite

Representative Name (print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

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

Office Use Received By: [Signature]

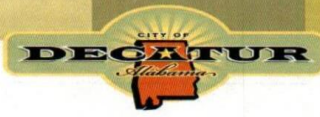
Zone M-1

Hearing Date 8/27/24

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

CASE NO. 1 3305 HIGHWAY 31 S





A Grand City on a CHARMING SCALE

City of Decatur  
Commercial/Industrial Permit Application

Job Address: (As assigned by 911 or Planning Dept.) 3326 HWY 31 S Decatur, AL 35603

Applicants Name: Winston Fire  
Applicants Address: 3116 Souton Road Sec A Decatur, AL 35603  
Applicants Phone #: 256-214-6413  
Applicants Email: wfire@subbuildg.com

Property Owner: Bramlett Auto Sales, Inc.  
Owners Address: 3305 HWY 31 S Decatur, AL 35603  
Owners Phone #: 256-303-7181  
Owner Email: jim@bramletteauto.com

Design Professional: Submitt Modular Mfg - Ellaville  
Designer's Address: 603 South Brand St Ellaville, GA 31806  
Designer's Phone #:   
Designer's Email:

General Contractor: Fire Construction Company, LLC  
Contractor's Address: 3116 Souton Rd, Sec A Decatur, AL 35603  
Contractor's Phone #: 256-353-5754  
Contractor's Email: wfire@subbuildg.com

Reason for Permit:  New Construction  Alterations/Additions/Repairs  Demolition  
(Circle One)  
Building Type: (Circle One) IA IB IIA IIB IIIA IIIB VIA VIB VA VB

Value of Work: \$15,000 -

Description of Work: Install temp trailer to occupy during construction

City of Decatur, AL
Building Department
JUL 25 2024
<b>DENIED</b>

Not allowed per Sec 25-18 *[Signature]*

Separate Permits are required for electrical, plumbing, mechanical, and fuel gas work. The permit issued will become null and void if work or construction is not commenced within six (6) months, or if work or construction is suspended (i.e. no inspection activity) or abandoned for a period of six (6) months at any time after work is commenced. Connection of utilities must be authorized by the Building Department. Failure to make corrections to substandard construction materials or installations shall result in withholding of utilities.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with Whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel any provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: Winston [Signature] Date: 7/24/24



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

Board of Zoning Adjustment

APPLICANT: Bruce Causey  
 MAILING ADDR: P.O. Box 2216  
 CITY, STATE, ZIP: Decatur, AL 35609-2216  
 PHONE: 256-289-1387

PROPERTY OWNER: Calhoun Community College  
 OWNER ADDR: P.O. Box 2216  
 CITY, STATE, ZIP: Decatur, AL 35609 PHONE: 256-289-1387

ADDRESS FOR APPEAL: 402 Moulton St. E, 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)

- 1) a 1'10" x 8' addition to an existing Brick Monument Sign 3'2" x 8'. Adding a LED Panel inside the inset 1'7" x 5'6".
- 2) Add a corner "Blade" Sign on the SW corner of the Building of Moulton 4<sup>th</sup> with dimensions of 2'6" x 9'6".

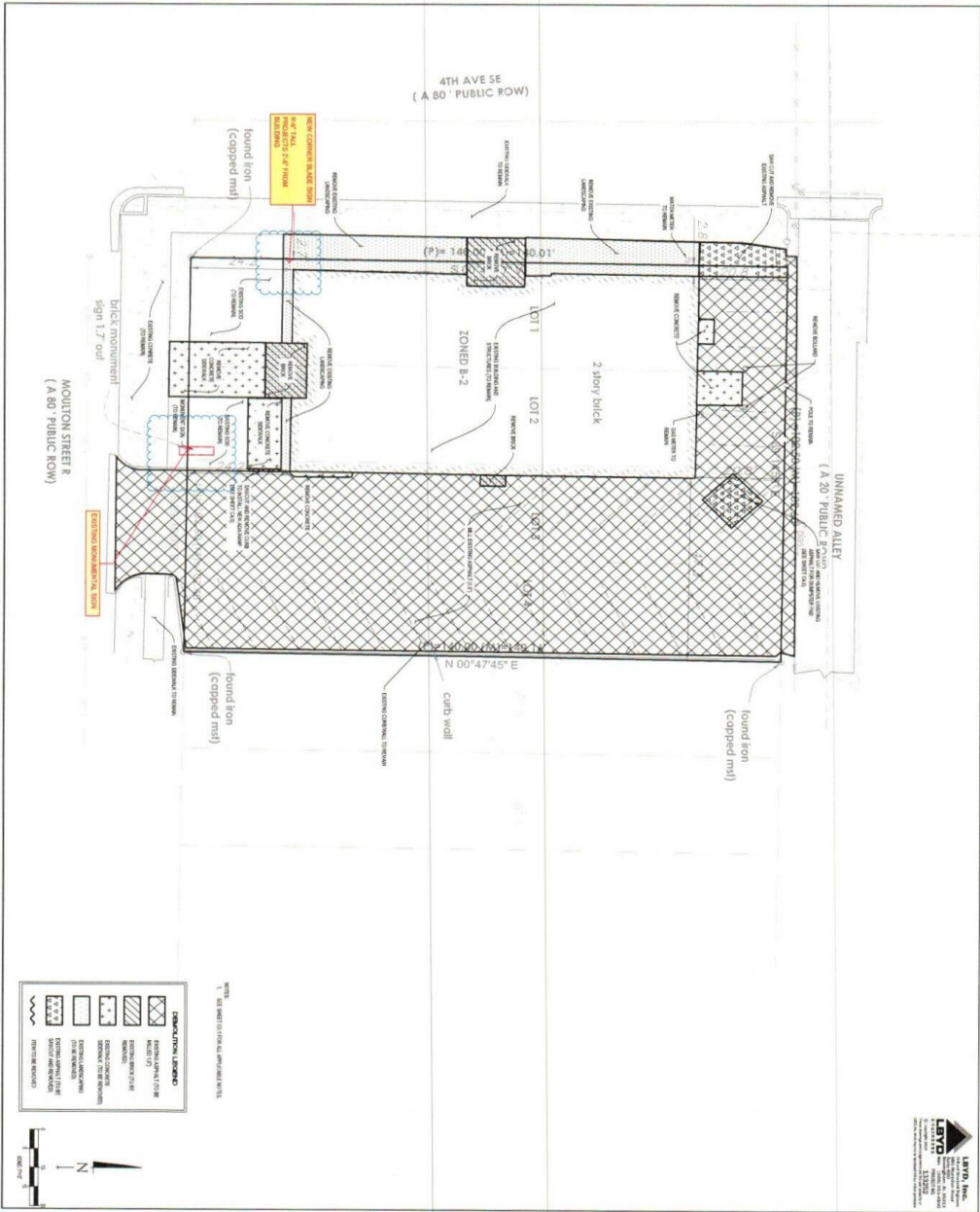
Applicant Name (print) Calhoun Community College  
 Signature [Signature], Facility Director  
 Representative Name (print) Bruce Causey  
 Signature [Signature]  
 Date 8-8-24

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

Office Use Received By: \_\_\_\_\_  
 Zone B-2  
 Hearing Date 8/27/24  
 Approved/Disapproved \_\_\_\_\_

CASE NO. 2 402 MOULTON ST. E





**STEAM IMAGINATION CETNER**  
 425 MOULTON STREET EAST, DECATUR, ALABAMA 35601  
 CALHOUN COMMUNITY COLLEGE



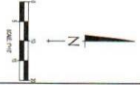
**PROJECT TITLE:**  
 STEAM IMAGINATION PLAN

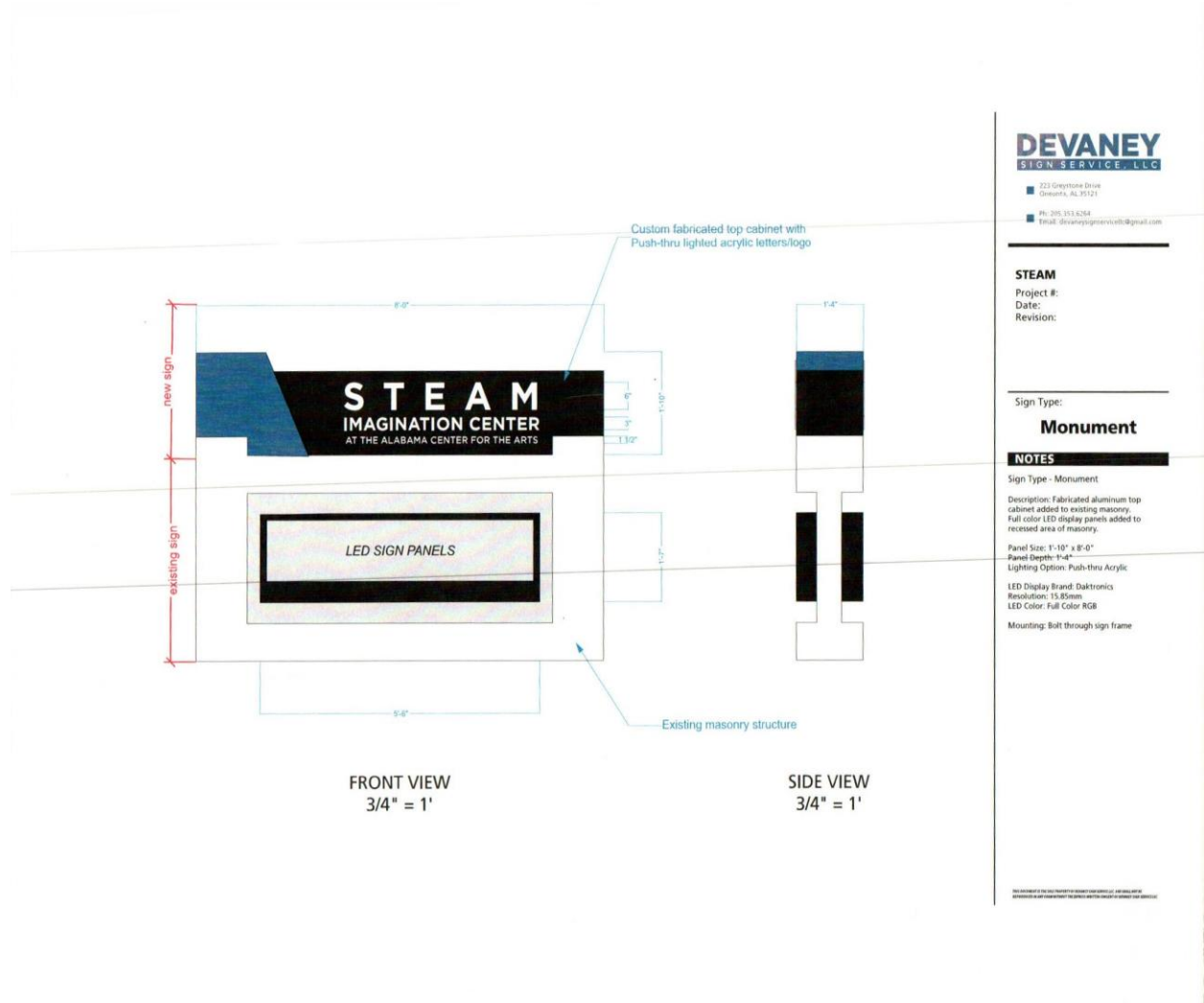
**DATE:** 06/20/13  
**SCALE:** AS SHOWN  
**PROJECT NO.:** 23-09

**PROJECT NO.:** 23-09  
**SHEET NO.:** C3.0

**CONSTRUCTION LEGEND**

	BRICK
	CONCRETE
	STONE
	ASPHALT
	GRAVEL
	SAND
	EARTH
	UTILITY





**DEVANEY**  
SIGN SERVICE, LLC

222 Greystone Drive  
Dexter, AL 35121  
Ph: 205.533.6264  
Email: devaneysignservice@gmail.com

**STEAM**

Project #:  
Date:  
Revision:

Sign Type:

**Monument**

**NOTES**

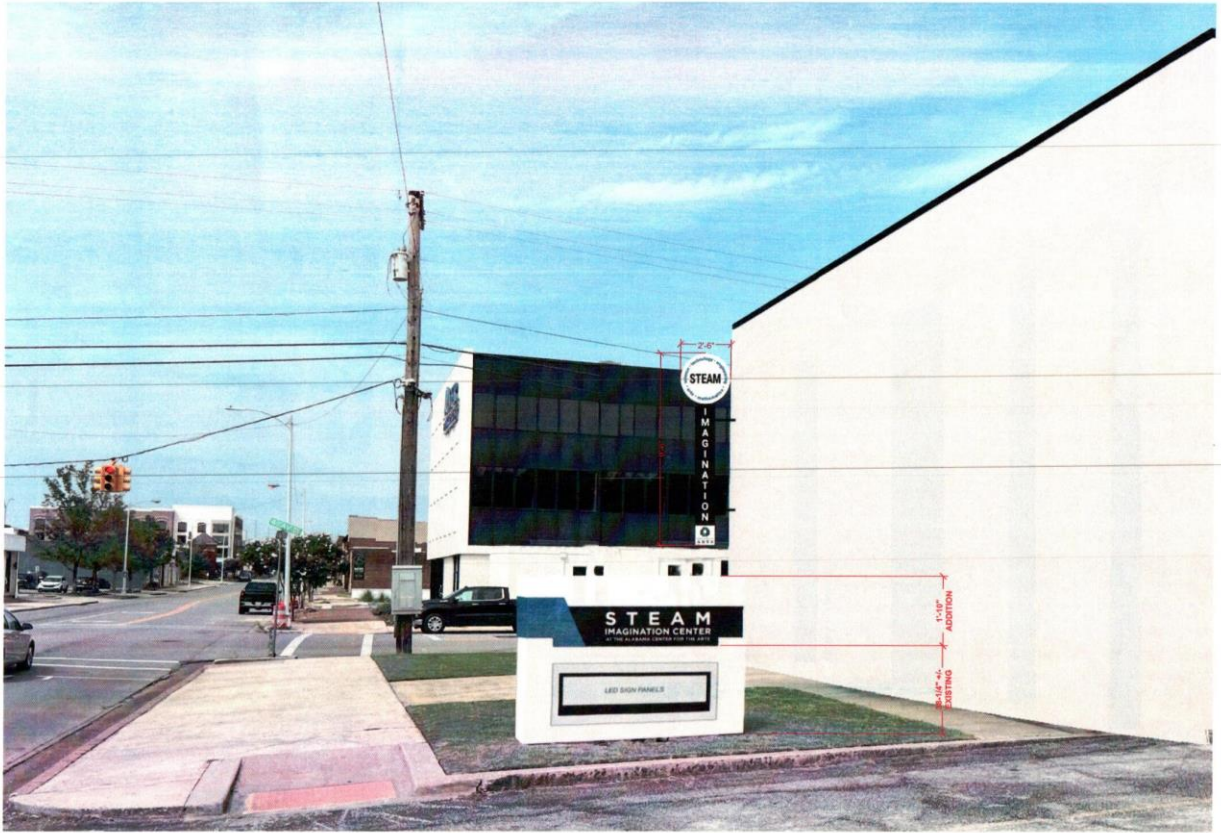
Sign Type - Monument  
Description: Fabricated aluminum top cabinet added to existing masonry. Full color LED display panels added to recessed area of masonry.

Panel Size: 1'-10" x 8'-0"  
Panel Depth: 1'-4"

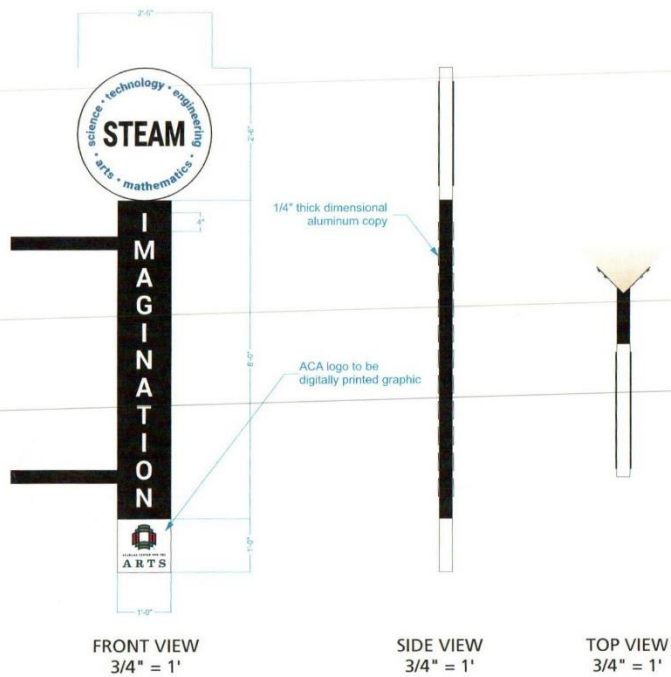
Lighting Option: Push-thru Acrylic  
LED Display Brand: Daktronics  
Resolution: 35.85mm  
LED Color: Full Color RGB

Mounting: Bolt through sign frame

**Monument Sign Plan**



Picture



**DEVANEY**  
SIGN SERVICE, LLC

223 Creighton Drive  
Decatur, AL 35712

Ph: 256 353 4264  
Email: devaneysignservice@gmail.com

**STEAM**  
Project #:  
Date:  
Revision:

Sign Type:  
**Blade**

**NOTES**  
Sign Type - Blade  
Description: Fabricated aluminum blade sign  
Overall Size: 9'-6" x 2'-6"  
Depth: 3"  
Mounting: Custom bracket

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**Blade Sign Plan**



CITY OF DECATUR  
BUILDING DEPARTMENT

JAMES L. BROTHERS  
BUILDING DIRECTOR  
P O BOX 488  
DECATUR AL 35602  
256 341-4574

November 29, 2006

THE SIGN SHOP/DWAYNE MCKELVEY  
P O BOX 391  
MOULTON AL 35650

RE: Application and appeal of The Sign Shop for a 10-foot setback variance, a 1-foot height variance, and a 2.5-foot maximum size variance to Section 25-77 (e-3) of the Sign Ordinance to erect a sign 106 inches wide and 54 inches high set 5 feet from the property line at 402 East Moulton Street, property located in a B-2, General Business Zoning District.

Dear THE SIGN SHOP/DWAYNE MCKELVEY:

The Board of Zoning Adjustment meeting to consider your request was held on Tuesday, NOVEMBER 28, 2006.

The Board's decision was to APPROVE your request as submitted.

Please contact our office if you have any questions. Our office hours are 8:00 a.m. until 5:00 p.m., Monday through Friday. The phone number is 256-341 4574.

Sincerely,

BOARD OF ZONING ADJUSTMENT

James L. Brothers  
Building Director and  
Custodian of Records