

Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

September 24th, 2024 Pre-meeting – 3:30 p.m. (7th Floor)

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

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MINUTES AUGUST 2024

MEMBERS PRESENT: Chair Delayne Dean, Mr. Chester Ayers, Mr. Jeremy Goforth, Mr.

Mark McCurry, Mr. Tom Polk, Mrs. Flor Gonzalez, and Mrs. Erika

Huber

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 4:00 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 July 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 July 2024 meeting were approved.

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.

Chair Dean stated that Tom Polk must recuse himself from the case due to a conflict of interest and supernumerary Flor Gonzalez will be the voting member.

Winston Fite presented this case to the Board. Mr. Fite stated his name and address for the property is 3326 Highway 31 South, Decatur. Mr. Fite stated they are requesting a variance to install an office trailer for the owner to occupy while their building is under construction. Mr. Fite stated the construction will take approximately 8 months, and they would like to install a Nadler office trailer with engineered sealed foundations.

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. Mark McCurry made a motion to approve the case with condition that the temporary offices be removed before the certificate of completion shall be issued. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

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.

Bruce Causey was absent from the meeting. Chair asked if there was a way to contact Mr. Causey. Mr. Causey was contacted by phone and stated he would like to withdraw his case. Jeremy Goforth made a motion to dismiss. Chester Ayers made a second. Chair called for role. All Yes, the motion carried.

Chair asked for any new business. None		
Meeting adjourned at 4:15 p.m.		
Delayne Dean, Chair		

AGENDA

CASE NO. 1

Application and appeal of Temple Inc. from an administrative decision to deny a permit and requesting a variance from Section 25-11 to facilitate light assembly of electrical panels in a portion of the building located at 310 Bank St. NE. property is located in a B-5, Central Business District.

CASE NO. 2

Application and appeal of J&M Signs for a 188 square feet sign area variance from Section 25-77 (e) (1) to install a sign located at 2504 Highway 31 S. Property is located in a B-2, General Business District.

CASE NO. 3

Application and appeal of Buck and Charlotte Dozier for a use permitted on appeal from Section 25-12 to install a manufactured home located at 137 Russell Road SW. Property is located in an AG-1, Agricultural District.

CASE NO. 4

Application and appeal of MMDC Contractors for a 4 feet side yard set-back variance from Section 25-10.10 (2) (e) to construct a new single family dwelling 2 feet from the side property line located at 811 Vine St. NW. Property is located in an R-3, Single Family Residential District.

CASE NO. 5

Application and appeal of Peyton Morris for a 7 feet height variance from Section 25-10.3 (2) (g) to construct a 42 feet tall new single family dwelling located at 2510 Legacy Cove SE. Property is located in an R-5, Single Family Residential District.

CASE NO. 6

Application and appeal of Peyton Morris for 1 foot rear yard set-back variance from Section 25-10.10 (2) (d) to construct a new single family dwelling 39 feet from the property line located at 3025 Cane Crossing SE. Property is located in an R-3, Single Family Residential District.

CASE NO.7

Application and appeal of Davidson Homes for a:

- (1) 4.6 set –back variance from Section 25-76 (l) (2)
- (2) 1.3 feet sign height variance from Section 25-76 (1) 2
- (3) corner visibility variance from Section 25-20

to construct 2 subdivision entrance signs located at the intersections of Lea Lane and Deere Road and Springside Lane and Deere Road. Property is located in an R-5, Single Family Residential District.

# 175.74		
particular and the second seco	P. E.	
DESTANDER	June Suy "	LA CHARMING OCALE
402 Lee St NE 1 st Floor Council Chamber		Board of Zoning Adjustment
APPLICANT: Temple, Inc.	(Forcest Temple)	
MAILING ADDR: 305 Bonk	5+	
CITY, STATE, ZIP: Decater, Al	35601	
PHONE: 800 - 633 - 3221		
PROPERTY OWNER: William H.	Texple Family Trus	+
OWNER ADDR: PO Box 2066		
CITY, STATE, ZIP: Decator AL	35602 PHONE:	300 -633 -3221
ADDRESS FOR APPEAL: 310 Box	oust NE Dead	~ AL 3561
NAT	URE OF APPEAL:	
HOME OCCUPATION SET	BACK VARIANCE SIGN V	ARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMINIS	TRATIVE DECISION
OTHER SURVEY FOR VARIAN	NCES ATTACHED DRAWINGS I	OR VARIANCS ATTACHED
*****Applicants or Duly Appointe	d Representative MUST I	e present in order
For the c	ase to be heard****	
	ase to be heard****	DELIGN TYPE OF BUSINESS
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSION	S, # FT FOR VARIANCES; # FOR PARKING; HAI	
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSION	s, # FT FOR VARIANCES; # FOR PARKING; HAI	+ "Light Assembly"
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CASE NO. 1 310 BANK STREET NE

Brackin, Samuel

From:

Forrest Temple <forrest.temple@temple-inc.com>

Sent:

Tuesday, August 20, 2024 1:48 PM

To: Subject: Brackin, Samuel; Day, Katrina RE: 310 Bank Street Production Facility Layout

Thank you Sam. I will get this submitted by the 10th so we can go before BOZA at the end of Sept.

Forrest Temple Temple, Inc. 256.353.3820 256.221.7016 (Mobile)

From: Brackin, Samuel [mailto:sbrackin@decatur-al.gov]

Sent: Monday, August 19, 2024 8:57 AM

To: Forrest Temple <forrest.temple@temple-inc.com>; Day, Katrina <kday@decatur-al.gov>

Subject: RE: 310 Bank Street Production Facility Layout

Good Morning Forrest, Thank you for your plan submittal. Looking at the plans I see that this is intended for an F-1 Occupancy for most of the building. I am sorry that I must inform you that this property is located in a B-5 zone and the only manufacturing allowed in a B-5 zone is that incidental to retail. I am aware that manufacturing is performed in other buildings that you occupy however your two main buildings across street are in M-1 (use allowed) and your other buildings in B-5 appear to predate the B-5 designation so these would be considered "existing non-conforming". In order for a permit to be issued for this project you will need to obtain approval from the Board of Zoning adjustment as an appeal of an administrative decision or you will need to try to get the property rezoned to a different use zone that would allow this type of occupancy. I have attached the BOZA application and instruction page to this email. If you have any questions please give me a call or an email and I will do my best to help.

Thank you,

Sam Brackin Plans Examiner City of Decatur P: 256.341.4581 C: 256.214.1507

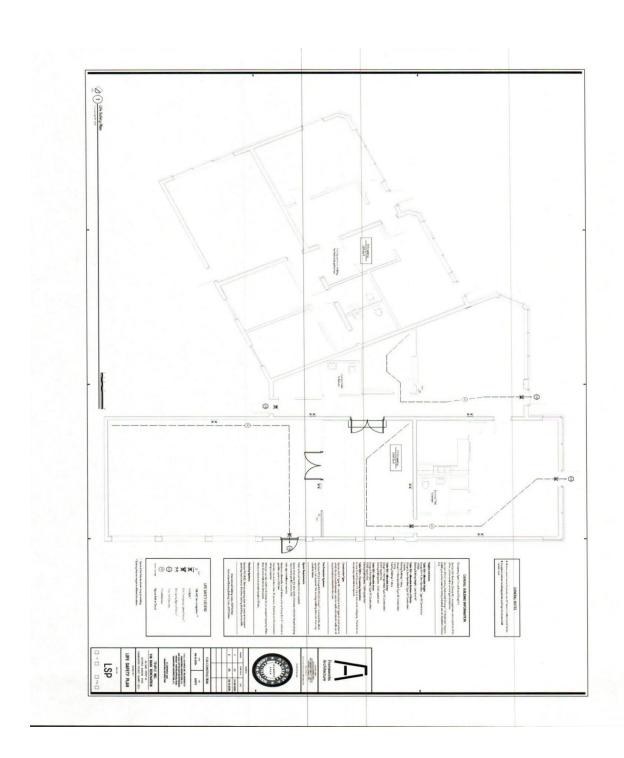
From: Forrest Temple < forrest.temple@temple-inc.com >

Sent: Friday, August 16, 2024 4:47 PM To: Day, Katrina < kday@decatur-al.gov > Cc: Brackin, Samuel <sbrackin@decatur-al.gov> Subject: RE: 310 Bank Street Production Facility Layout

Good afternoon Katrina.

Please see attached sealed drawings. I'll submit the application on Monday since I need a permit for this.

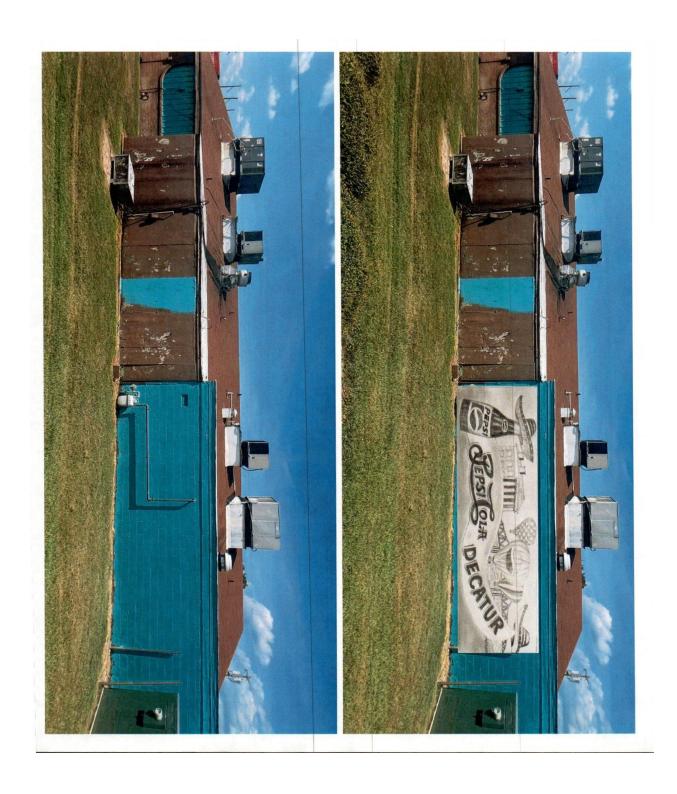
Have a nice weekend.



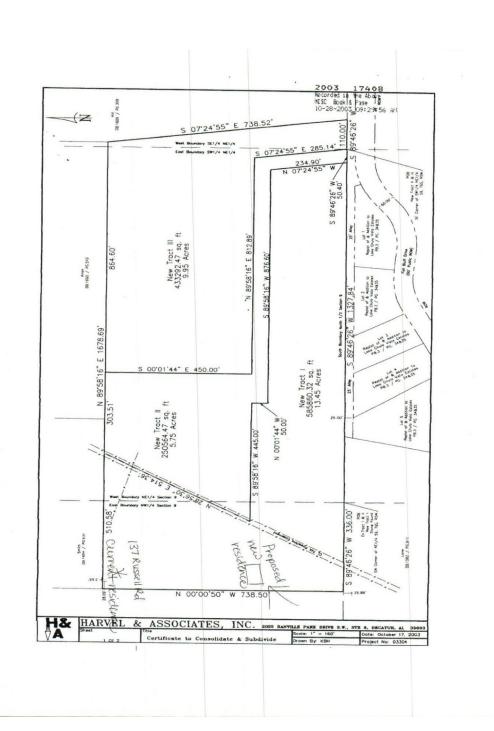
Life Safety Plan

		Els Chemistry with
402 Lee St NE 1 st Floor Council Chamber		Board of Zoning Adjustment
APPLICANT: J&M Signs		
MAILING ADDR: PO Box 275 Decatur, A	Al	
CITY, STATE, ZIP: Decatur, Al 35602		
PHONE: 256.353.8801		
PROPERTY OWNER: Mayas LLC		
OWNER ADDR: P.O. BOX 23644		
CITY, STATE, ZIP: Chattanooga. TN 3742	PHON	NE: <u>256-353-6727</u>
ADDRESS FOR APPEAL: X 2504	US Hwy 315	35603
	URE OF APPEAL:	
TVA!		
	BACK VARIANCE	SIGN VARIANCE
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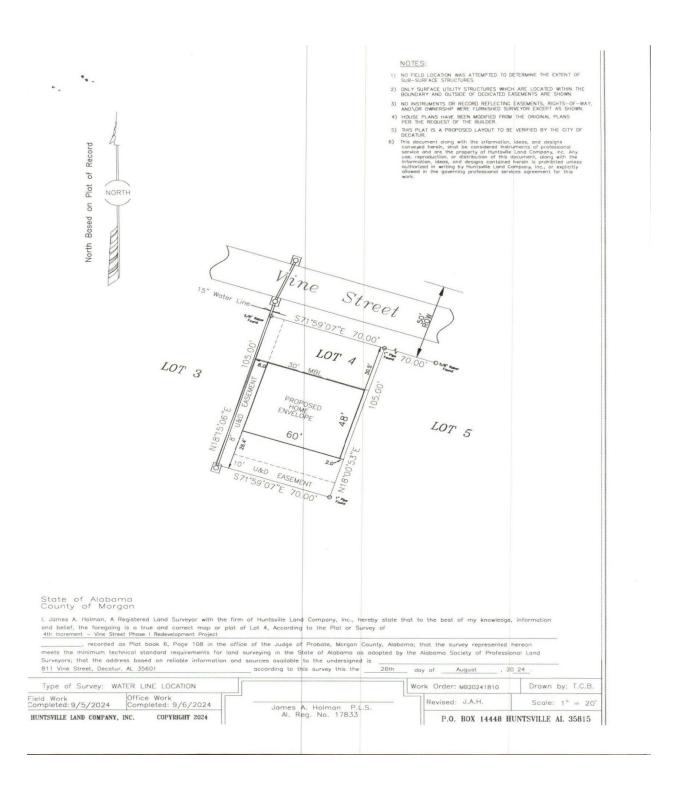
CASE NO. 2 2504 US HIGHWAY 31 SOUTH



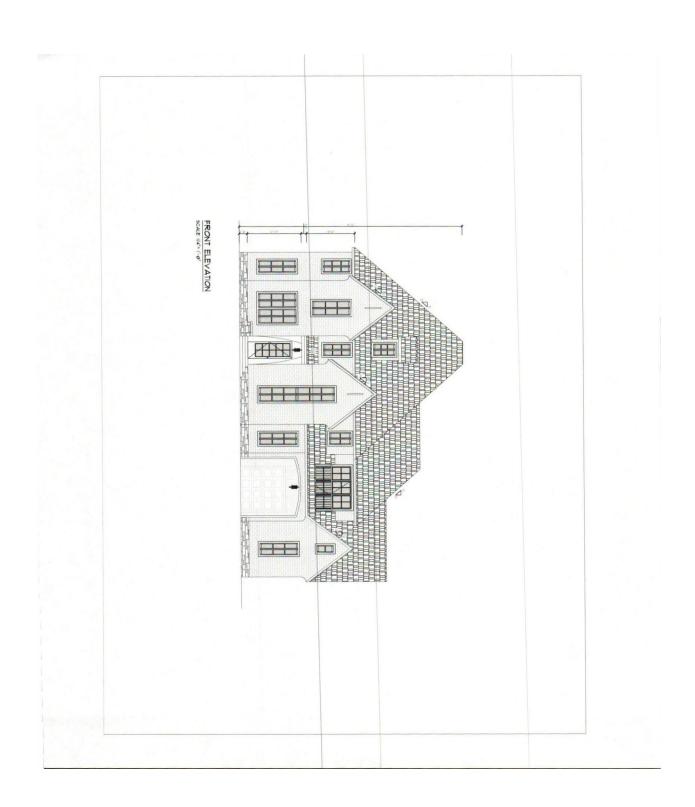
	C.C.
DECAMPOR	Grand Chey on a GRANING SCALE
402 Lee St NE 1st Floor Council Chamber	Board of Zoning Adjustment
APPLICANT: Buck & Charlotte	Dorier
MAILING ADDR: POBOX 351	
CITY, STATE, ZIP: Decatur, AL 3	35402
PHONE: 256-227-9471	
PROPERTY OWNER: Buck+Cho	ourlote Docier
OWNER ADDR: 137 RUSSEIL A	Rd SW
	35603 PHONE: 256:227:9471
ADDRESS FOR APPEAL	Russell Rd Sev, Decatur, Al 35003
	TURE OF APPEAL:
HOME OCCUPATION SET	TBACK VARIANCE SIGN VARIANCE
USE PERMITTED ON APPEAL	
OTHER SURVEY FOR VARIA	
	ed Representative MUST be present in order
	case to be heard*****
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSION	NS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)
Requests to place mobile !	home on property
Applicant Name (print Charlotte Dozier	If applicant is using a Office Use Received By:
Representative Name (print)	representative for the Zone A6-1 request both signatures Hearing Date 9/04/04
Signature	are required Approved/Disapproved



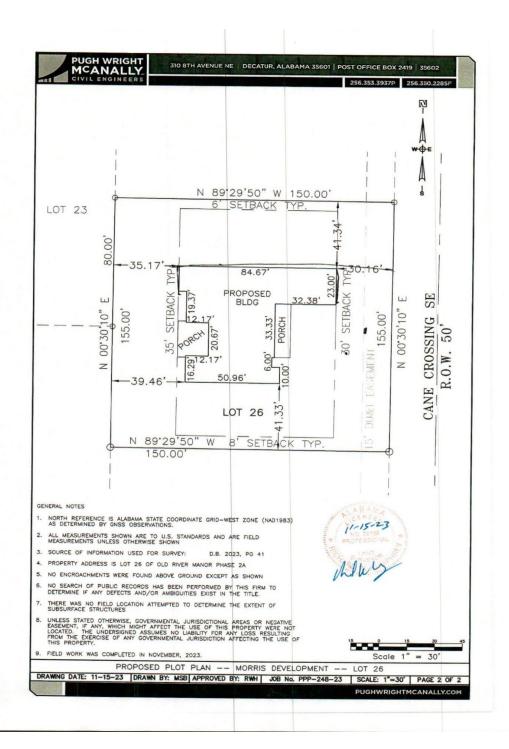
DESCRIPTION OF STREET	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	CHARMING SCALE
402 Lee St NE 1st Floor Council Chamber		Board of Zoning Adjustment
APPLICANT: MMDC Contro	actors, LLC	c/o Ron Black
MAILING ADDR: P. O. BOX 3		•
CITY, STATE, ZIP: Belle Wind	, AL 35615	a -
PHONE: 256-929-8	×74	4
		7
PROPERTY OWNER:	ates in	
OWNER ADDR:	re Street	98
CITY, STATE, ZIP: Decatur, AL	3560 PHONE:	281-923-0299
ADDRESS FOR ARREAL:	box 31, Bull	e Llina, AL 3566
NATÚI	RE OF APPEAL:	
○ HOME OCCUPATION SETBAC	K VARIANCE SIGN	VARIANCE
USE PERMITTED ON APPEAL	APPEAL OF ADMIN	ISTRATIVE DECISION
OTHER SURVEY FOR VARIANCES		S FOR VARIANCS ATTACHED
*****Applicants or Duly Appointed F	Representative MUST	be present in order
For the case	e to be heard*****	
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, #	FT FOR VARIANCES; # FOR PARKING; H	ARDSHIP; TYPE OF BUSINESS)
4' side yard set - b	each variance	0.
Applicant Name (print) Roy Black	If applicant is using a	Office Use Received By:
Signature + 300 was	representative for the	Zone K-3
Representative Name (print)	request both signatures are required	Hearing Date 7/29/29 Approved/Disapproved
	o required	Approved Disapproved



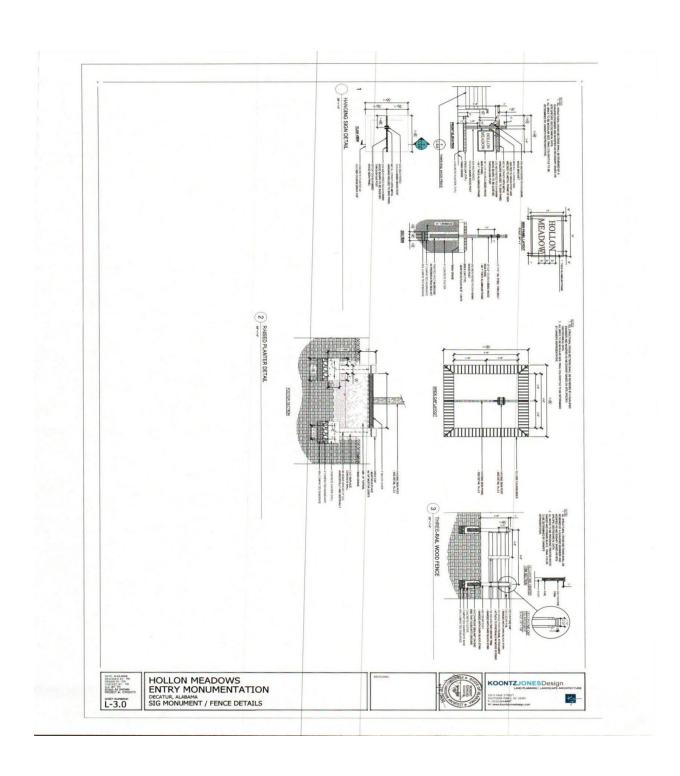
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		The state of the s	Chiatras was Straig	
402 Lee St NE 1st Floor Council Chamber			Board of Zoning Adju	stmen
APPLICANT: Peyton Morris, Morris Ge	eneral Contracto	rs, LLC		
MAILING ADDR: 3002 Old F	River Road SE			
CITY, STATE, ZIP: Decatur, AL 356				
PHONE: 256-227-7489				
PROPERTY OWNER: Jeff Parker	Land Services	LLC		
OWNER ADDR: P. O. BOX 671				_
CITY, STATE, ZIP:DECATUR, AL3:	5602	PHONE:	256-227-7935	
ADDRESS FOR APPEAL: 2510 Leg	gacy Cove SE, D	ecatur, AL 356	801	
NA	TURE OF APP	PEAL:		
→ HOME OCCUPATION SET SET SET SET SET SET SET SET	TBACK VARIANCE	SIGN	VARIANCE	
USE PERMITTED ON APPEAL		APPEAL OF ADMIN	ISTRATIVE DECISION	
		_	S FOR VARIANCS ATTACHED	
*****Applicants or Duly Appointe	ed Represent	ative MUST	be present in ord	er
For the	case to be he	ard****		
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSION	NS, # FT FOR VARIANCE	S; # FOR PARKING; H	ARDSHIP; TYPE OF BUSINESS)	
In order to construct a residen conform with the architectural p extend 7 feet a		ivision, the roo		
Applicant Name (print), Peyton Morris	Te and it and it		077 11 70 11 70 11	$\bigcirc u$
Signature Ash	If applicant is		Office Use Received By:	Ju
Representative Name (print) Peyton Morris	request both		Hearing Date 9/24/24	
Signature 9-10-2024	are required		Approved Disapproved	
	-			****



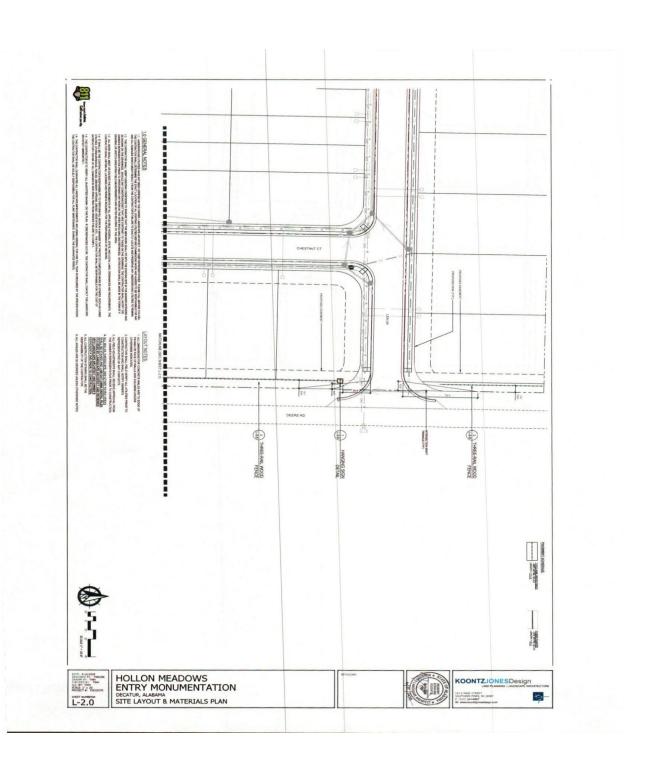
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	and the second			
402 Lee St NE 1st Floor Co	ouncil Chamber			Board of Zoning Adjustment
APPLICANT: Peyto	on Morris, Morris Gene	ral Contrac	tors, LLC	
MAILING ADDR: _	3002 Old Rive	er Road SE		
CITY, STATE, ZIP: _	Decatur, AL 35603			
PHONE: 256	6-227-7489			
PROPERTY OWNER	t: DH Morris De	velopment	, LLC	
OWNER ADDR:	3002 Old River Road	SE, Decat	tur, AL 35603	
CITY, STATE, ZIP: _	DECATUR, AL3560	02	PHONE:_	256-227-7935
ADDRESS FOR APP	FAI: 3025 Cane C	rossing SE	, Decatur, AL 356	603
7.001.001.011.11		IRE OF AF	DEAL.	
O HOME OCCUPA		CK VARIANCE		ARIANCE
	E PERMITTED ON APPEAL	0	APPEAL OF ADMINIS	
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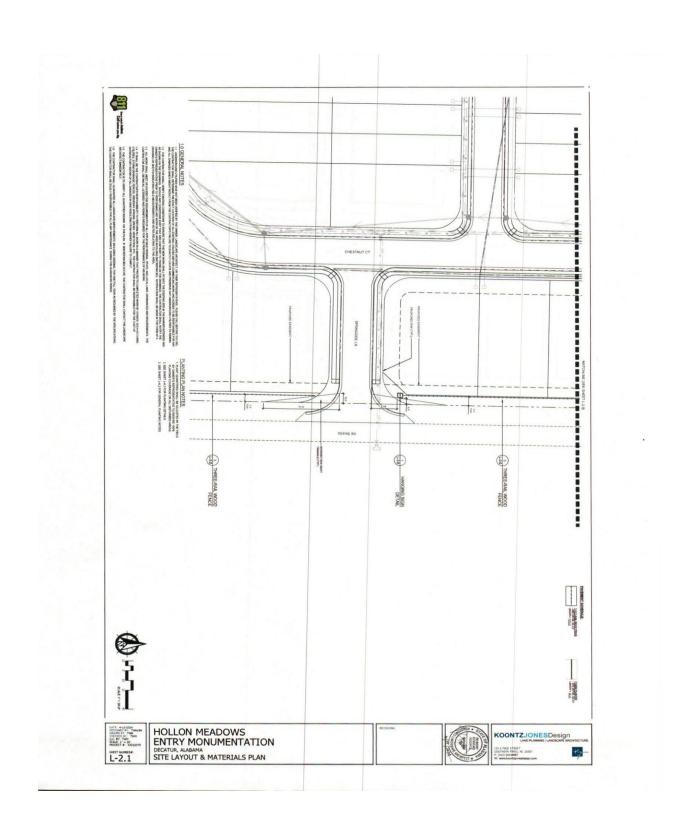
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Sign Plan



Sign #1 Plot Plan



Sign #2 Plot Plan

