



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

October 29th, 2024

Pre-meeting – 3:30 p.m. (7th Floor)

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

TABLE OF CONTENTS

MINUTES SEPTEMBER	3
AGENDA	7
CASE NO. 1 1425 BELTLINE ROAD SW	8
SITE PLAN	9
SIGN PLAN.....	10
CASE NO. 2 1205 MILL ROAD SE	11
SURVEY.....	12

MINUTES SEPTEMBER

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. 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 4:08 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 August minutes required any corrections. There were no corrections made. Mr. Jeremy Goforth motioned to approve the minutes. Mr. Tom Polk made a second. On a voice vote, all yes, the motion carried. The minutes from the August 2024 meeting were approved.

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.

Forest Temple presented this case to the Board. Mr. Temple stated his name and address as 2305 Horsetree Place Decatur, AL 35601. Mr. Temple stated he would like to ask for relief from the permit denial to use the building for office space and light assembly in the rear of the building.

Chair asked for questions from the board. Mr. Ayers asked if there would be any eighteen wheeler truck deliveries. Mr. Temple stated no. Mr. Polk asked for the hours of operation for this building. Mr. Temple stated 7:00 am.-3:30pm. Mr. Polk asked if the operations would generate any obnoxious odor, noise, or dust. Mr. Temple stated no.

Chair asked for further 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 the case as submitted. Mark McCurry made a second. Chair called for role. All Yes, the motion was approved.

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.

Carlton McMasters presented this case to the Board. Mr. McMasters stated his name and address as 109 Prospect Dr. SE Decatur AL. Mr. McMasters stated he is requesting a sign area variance to install a sign for Comino Real. Mr. McMasters stated the Board has approved similar signs and this one would be an improvement to the building.

Chair asked for questions from the Board. Jeremy Goforth asked for a condition to paint the adjacent areas of the sign. Chair asked for further 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 with condition to re-paint the backside of the building. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

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.

Charlotte Dozier presented this case to the Board. Mrs. Dozier stated her name and address as 137 Russell Rd. Decatur AL. Mrs. Dozier stated they are requesting a variance to place a second residence on the property for their daughter. Mrs. Dozier stated she would like to install a manufactured home on the property without subdividing the lot.

Chair asked for questions from the Board. Chair stated the Board cannot approve placing two homes on one lot. Mrs. Dozier asked about the appeal process for having two homes on one lot. Tommie Williams stated the property must be subdivided into two lots in order to accommodate the two homes. Tom Polk stated the manufactured home would require a masonry skirt. Chair stated if approved, the manufactured home would need to meet the same requirements for the previously approved case (February 2023 Case No.6).

Chair asked for any further 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 he would look into the possibility of an appeal process. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve with condition that the manufactured home must have a full masonry skirt with foundations and must comply with the subdivision regulations. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

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.

Michael Nelson presented this case to the Board. Mr. Nelson stated his name and address as 811 Vine St. Decatur, AL. Mr. Nelson stated he is requesting a variance to construct a new home on the lot. Mr. Nelson stated every attempt has been made to comply with the zoning ordinance. Mr. Nelson stated there is a utility easement between the two lots that cannot be vacated.

Chair asked for questions from the Board. Tom Polk asked the Building Department for the specific code requirements. John Waggoner stated the location would require a one hour fire wall with no openings. Mr. Nelson stated the plans have been updated to meet the requirements. Chair asked for any further questions from the Board. Chair asked for the square footage of the home. Mr. Nelson stated 1800 square feet single story. 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 contractor made every attempt to comply with all requirements prior to asking for this variance. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve the case as submitted. Jeremy Goforth made a second. Chair called for role. All Yes, the motion was approved.

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.

Peyton Morris presented this case to the Board. Mr. Peyton stated his name and address as 2038 Stratford Ct. Decatur, AL. Mr. Morris stated he is requesting a variance to construct a new home 42 feet tall. Mr. Morris stated the hardship is that the home is designed to be in harmony with the neighborhood and would like a higher pitched roof.

Chair asked for questions from the Board. Tom Polk asked how many stories is the proposed home. Mr. Morris stated two stories. Chair asked for any further questions from the Board. Chair asked the Building Department if it is normal for new homes to have such high pitched roof. Bob Sims stated the architectural trends have changed from past designs to higher pitched roofs. Tom Polk asked if other homes in the subdivision were similar. Mr. Morris stated yes. 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. Chester Ayers made a motion to approve the case as submitted. Tom Polk made a second. Chair called for role. All Yes, the motion was approved.

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.

Peyton Morris presented this case to the Board. Mr. Morris stated his name and address as 2038 Stratford Ct. SE Decatur, AL. Mr. Morris stated he is asking for a one foot rear yard set-back for this property. Mr. Morris stated the home was originally drawn to have siding and would fit within the minimum building line. Mr. Morris stated the homeowner would like to install brick on the rear of the home to match the other homes in the subdivision.

Chair asked for questions from the Board. 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 the case as submitted. Tom Polk made a second. Chair called for role. All Yes, the motion was approved

CASE NO.7

Application and appeal of Davidson Homes for a:

- (1) 4.6 set –back variance from Section 25-76 (1) (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.

Tim Holland presented this case to the Board. Mr. Holland stated his name and address for the subdivision as 3209 Chestnut Ct. Mr. Holland stated he is asking for a sign variance to install signs for the subdivision. Chair asked if the signs were similar to the original. Mr. Holland stated yes.

Chair asked for questions from the Board. 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. Tom Polk made a motion to approve the case with condition that engineering and police approve the signs in the sight triangle. 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 4:45 p.m.

Delayne Dean, Chair

AGENDA

CASE NO. 1

Application and appeal of Bank Independent for a 8' set-back variance from Section 25-77 (e) (3) to install a 9' tall 72.02 square feet detached sign 7' from the property line located at 1425 Beltline Road SW. Property is located in an M-1A, Expressway Commercial District.

CASE NO. 2

Application and appeal of Flint Church of Christ for a variance from Section 25-2 (1) to construct a carport without a main structure located at 1205 Mill Road SE. Property is located in an R-3, Single Family Residential District.

APPLICANT: Bank Independent
 MAILING ADDR: 1425 Beltline Rd SW
 CITY, STATE, ZIP: Decatur, AL 35601
 PHONE: (256) 216-3735

PROPERTY OWNER: Bank Independent
 OWNER ADDR: 1425 Beltline Rd SW
 CITY, STATE, ZIP: Decatur, AL 35601 PHONE: (256) 216-3735

ADDRESS FOR APPEAL: 1425 Beltline Rd SW 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*****

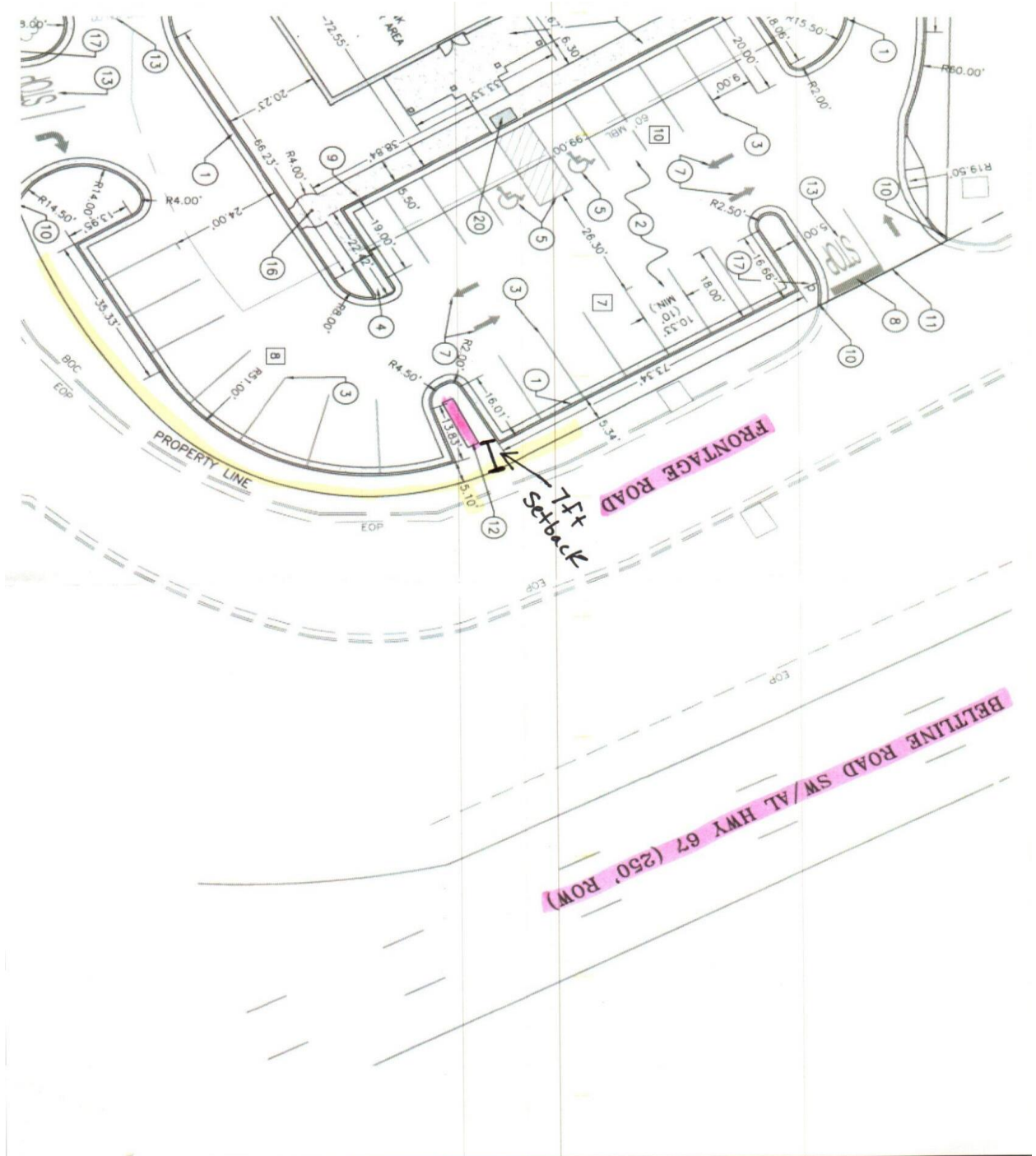
DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING, HARDSHIP; TYPE OF BUSINESS)

Bank Independent would like variance to allow detached Monument sign to have less setback than ordinance allows. This sign will have 22 ft setback according to ordinance and we would like to request a 7 ft setback from property line. The sign would not be visible from Beltline Road with a 22 ft setback

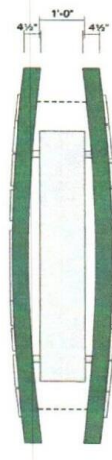
Applicant Name (print) Bank Independent
 Signature [Signature]
 Representative Name (print) General Sign company
 Signature Hester Woods or Mitchell Shull
 Date 9-24-24

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

Office Use Received By: _____
 Zone M-1A
 Hearing Date 10/29
 Approved/Disapproved _____



Site Plan

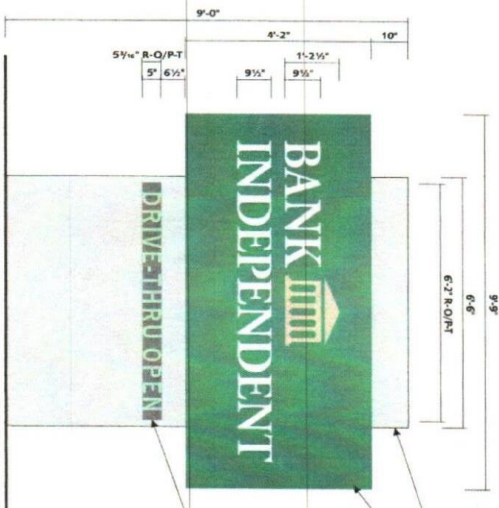
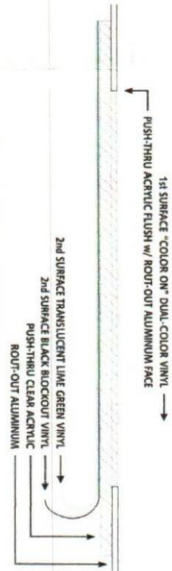


TOP VIEW

SCALE: 1/2"=1'-0"

SECTION DETAIL @ "DRIVE THRU OPEN" FACE

FULL SCALE



D/F ALUMINUM MANUFACTURED CABINET REAR SUPPORT COVER. PAINTED TO MATCH GREENE 220-150 SILVER VINYL COLOR.

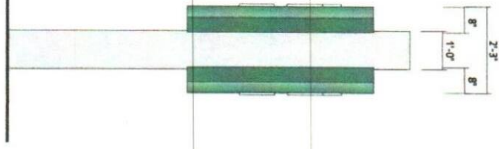
(2) ALUMINUM MANUFACTURED CABINET SIGNS - RADIOUS FACES - PAINTED PMS 3571 GREEN - FACES TO HAVE ROUTED-OUT OPENINGS W/ PUSH-THRU COPY/LOGO

COPY TO BE 3/4" PROU CLEAR ACRYLIC W/ 1st SURFACE 3M 3600-20 WHITE VINYL & 2nd SURFACE DIRFUSER FILM. LOGO TO BE 3/4" PROU CLEAR ACRYLIC W/ 1st SURFACE FULL-COLOR DIGITAL PRINT TO MATCH PMS 4515K (OPAC) GOLD & 2nd SURFACE 3M 3600-148 LIGHT BEIGE INTERNALLY ILLUMINATED W/ (2) ROWS OF HIGH-OUTPUT WHITE LED'S

ROUTED-OUT FACE W/ PUSH-THRU CLEAR ACRYLIC BACKCUT W/ ACRYLIC FACE TO BE FUSION W/ ALUMINUM FACE PROCOLO. COLOR-ON TO MATCH GREENE 220-150 SILVER VINYL. 2nd SURFACE 3M 3605-228 BLACK BACKCUT FILM W/ VIBED-OUT/SHOW-THRU COPY.

ADULT LAYER 2nd SURFACE 3M 3605-196 LIME GREEN VINYL BRIND COPY

INTERNALLY ILLUMINATED W/ (2) ROWS OF HIGH-OUTPUT WHITE LED'S - SWITCH SEPARATELY FROM MAIN I.D. CABINET



END VIEW

D/F MONUMENT SIGN
(1) REQUIRED - MANUFACTURE & INSTALL

SCALE: 1/2"=1'-0"

EXACT SUPPORT & FOUNDATION SIZE IS TO BE DETERMINED PER LOCAL CODES, WINDLOAD REQUIREMENTS, SOIL CONDITIONS, ETC. CUSTOMER TO PROVIDE PRIMARY ELECTRICAL UNDERGROUND SERVICE TO SIGN LOCATION

BANK INDEPENDENT

0399874A
Sheet 2 of 3

BANK INDEPENDENT
1425 BELTUNE RD, SW
DECATUR, AL

Account: AME CHURCH
Job No: 113,116

Client: Bank of America
Project: Bank of America
Date: 11/13/16

11/13/16

Candler Signs
11111 Highway 208
Decatur, GA 30030
Phone: 404.241.1111
Fax: 404.241.1112
www.candler.com

FINAL ELECTRICAL CONTRACTOR W/



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Flint Church of Christ
 MAILING ADDR: 1205 Mill Rd SE
 CITY, STATE, ZIP: Decatur, AL 35603
 PHONE: 256 355 7439

PROPERTY OWNER: Flint Church of Christ
 OWNER ADDR: 1205 Mill Rd SE
 CITY, STATE, ZIP: Decatur, AL PHONE: 256 355 7439

ADDRESS FOR APPEAL: Block between Church Railroad and Corner Streets 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)

Construct a shelter for the church bus in our overflow parking lot. The property is zoned R3 and we were denied a building permit. We desire a zoning variance which will allow us to construct a 32' x 30' x 12' footprint for our asphalt parking lot. The lot is surrounded by a privacy fence on 2 sides.

Applicant Name (print) Ottie L. Newson
 Signature Ottie L. Newson
 Representative Name (print) Ottie Newson
 Signature Ottie L. Newson
 Date _____

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

Office Use Received By: _____
 Zone R-3
 Hearing Date 10/29
 Approved Disapproved _____

CASE NO. 2 1205 MILL ROAD SE

