



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

February 25th, 2025

Pre-meeting – 3:30 p.m. (6th Floor)

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

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JANUARY MINUTES

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

SUPERNUMERARIES: Mark Moody

OTHERS PRESENT: Mrs. Ruth Priest, Assistant City Attorney
Mr. John Waggoner Inspector Manager & Recorder
Mr. Tommie Williams Planner
Mr. Josiah Harris Planning Technician

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 November minutes required any corrections. There were no corrections made. Mr. Tom Polk motioned to approve the minutes. Mr. Mark McCurry made a second. On a voice vote, all Yes, the motion carried. The minutes from the November 2024 meeting were approved.

CASE NO. 1

Application and appeal of Ottie Newsome for a

- (1) 20 feet front yard set-back variance from Section 25-10 (2) (c)
- (2) and a 6 feet side yard set-back variance from 25-10 (2) e (1)

to construct a Sunday school addition located at 1205 Mill Road SE. Property is located in an R-3, Residential Single Family District.

Chair Dean stated Mark Moody must recuse himself from the case. Blake McNally presented this case to the Board. Mr. McNally stated his name and address as 310 8th Avenue NE. Mr. McNally stated the new proposed addition would attach to an older addition of the church. Mr. McNally stated the new addition is for classroom space and therefore would not increase occupant load. Mr. McNally stated the building technically has a four-sided front yard situation, which creates a challenge and necessitates the request for a 20-foot setback along Chunn and 6-foot setback along Mulberry. Mr. McNally stated the hardship is due to the property having road frontage on all four sides.

Chair Dean asked for questions from the Board. Tom Polk stated the agenda needed clarification concerning the setback request. Mr. McNally stated technically the 20-foot setback is for the rear of the building. Mr. McNally stated any adjustments that needed to be made would be reviewed and approved by the Planning Commission. Mr. McNally stated that the variances were necessary to be able to proceed with the process.

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 noted that the church did obtain a vacation from the Planning Commission and it was approved by the City Council. Chair closed call for public testimony. Chair asked the Board for its ruling. Chester Ayers 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 Ali Alsaawi for a 3 parking space variance from Section 25-16 (2) (q) for new retail spaces located at 2612 Old Moulton Road SW. Property is located in a B-1, Local Shopping District.

Blake McAnally presented this case to the Board in the absence of Phillip Krause, a former employee. Mr. McAnally stated his name and address as 310 8th Avenue NE. Richard Humphrey stated his name and address as 310 8th Avenue NE. Mr. Humphrey stated he was familiar with the project. Mr. Humphrey stated this is a former car wash that shall be removed and a new building constructed for retail space in the same location. Chair asked if the exact nature of the retail space could be made public. Mr. Humphrey stated at this time the exact retail use is speculative and unknown.

Chair asked for questions from the Board. Tom Polk asked if the property extended further to the rear. Mr. Humphrey stated Yes. Tom Polk asked for the separation distance between the proposed building and the existing buildings on the property. Mr. Humphrey stated 18 to 20 feet.

Chair asked for any other questions from the Board. None. 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. Tommie Williams noted this parcel has been recently annexed into the city and the storage units are non-conforming. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve the case as submitted. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

CASE NO. 3

Application and appeal of Dylan Pate for a use permitted on appeal from Section 25-11 to construct a new residence located at Pisgah Road, parcel ID 27375. Property is located in a B-2, General Business District.

Richard Humphrey presented this case to the Board. Mr. Humphrey stated his name and address as 310 8th Avenue NE. Mr. Humphry stated he is requesting a variance to build a residence in a B-2 district. Chair Dean asked if the proposed home would be built completely on the B-2 parcel.

Mr. Humphrey stated the home splits the zoning line placing the residence partially in the B-2 parcel and partially in the un-zoned parcel.

Chair asked for questions from the Board. None. Mr. Humphries asked if the property was consolidated, is there a requirement to annex the un-annexed portion? Tommie Williams stated there is no requirement to annex but it would be preferred. Dylan Pate stated he would annex in order to connect to sewer. 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 approval needs conditions of re-zoning, annexation, and consolidation. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve the case as submitted with condition that the proposed residence meets all subdivision regulations and the two properties are annexed, re-zoned, and consolidated. Mark McCurry made a second. Chair called for role. All Yes, the motion was approved.

Chair asked for any other new business. None.

Meeting adjourned at 4:23 p.m.

Delayne Dean, Chair

AGENDA

The Board of Zoning Adjustment of the City of Decatur will hold a public meeting in the COUNCIL CHAMBERS ON THE 1ST FLOOR of City Hall, 402 Lee Street NE, on Tuesday, February 25th 2025 at 4:00 p.m., and broadcast live on City of Decatur You Tube Channel at [https://www.youtube.com/c/Cityof Decatur AL](https://www.youtube.com/c/CityofDecaturAL) for the purpose of hearing the following applications and appeals, at which time all interested parties are requested to be present and will be given an opportunity to be heard. Questions may be submitted via email at bozaquestions@decatur-al.gov.

CASE NO. 1

Application and appeal of Trades by Taylor for a variance from Section 25-2 (1) to construct a detached garage in the side yard located at 920 Rigel Circle SW. Property is located in an R-2, Residential Single Family District.

CASE NO. 2

Application and appeal of Danielle Dodd for a 6.37 feet rear yard set-back from Section 25-10.9 (2) (d) to construct a sunroom located at 3115 Farmington Road SW. Property is located in an R-2, Residential Single Family District.



...A Grand City on a CHARMING SCALE

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Trades by Taylor LLC
 MAILING ADDR: 8403 Camille Dr SE
 CITY, STATE, ZIP: Huntsville AL 35802
 PHONE: 256 684-7753

PROPERTY OWNER: Phillip Peters
 OWNER ADDR: 920 Rigel Circle
 CITY, STATE, ZIP: Decatur AL 35603 PHONE: 562 355 5868

ADDRESS FOR APPEAL: 920 Rigel Circle 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)

24'x30' Detached garage. We are limited in location and space due to lot shape, rock, easements and setbacks

Applicant Name (print) Michael Taylor
 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 R-2
 Hearing Date 2/25/25
 Approved/Disapproved _____

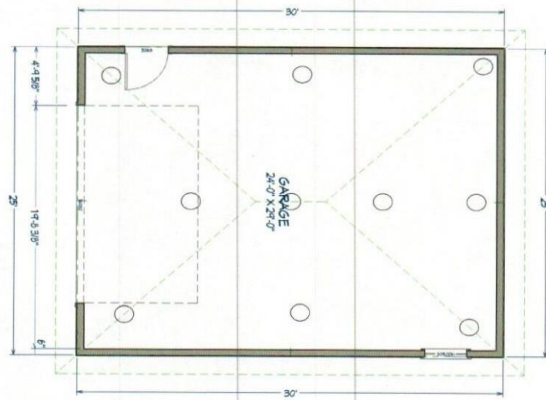
CASE NO. 1 920 RIGEL CIRCLE SW



Elevation 1



Elevation 2



Floor Plan



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Danielle Dodd _____
 MAILING ADDR: 3115 Farmington Rd SW, _____
 CITY, STATE, ZIP: Decatur, AL, 35603, _____
 PHONE: 256-227-3765 _____

PROPERTY OWNER: Danielle Dodd _____
 OWNERADDR: 3115 Farmington Rd SW, _____
 CITY, STATE, ZIP: : Decatur, AL, 35603, _____ PHONE: 256-227-3765 _____

ADDRESS FOR APPEAL: 3115 Farmington Rd SW _____

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 proposed structure is 14-feet by 22-feet. The structure is attached to back of the house.

Looking for 6.37-foot variance for back property line.

Purpose of structure is to serve as extra space (sunroom) for family.

Applicant Name (print) Danielle Dodd
 Signature Danielle Dodd
 Representative Name (print) _____
 Signature _____
 Date 2/10/25

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

Office Use Received By: [Signature]
 Zone R-2
 Hearing Date 2/25/25
 Approved/Disapproved _____

CASE NO. 2 3115 FARMINGTON ROAD SW

