



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

January 28th, 2025

Pre-meeting – 3:30 p.m. (7th Floor)

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

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NOVEMBER MINUTES

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

SUPERNUMERARIES: Mark Moody

OTHERS PRESENT: Mrs. Ruth Priest, Assistant City Attorney
Mr. Bob Sims, Building Inspector

Chair Delayne Dean called the meeting to order at 4:02 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. Chester Ayers 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 Jesus Perez for:

- (1) a 5.14 feet rear yard set-back from Section 25-11
- (2) and a 3.72 feet side yard set-back variance from Section 25-11

to construct an addition for a commercial business located at 2130 Clara Avenue SW. Property is located in a B-1, Local Shopping District.

No one appeared to present the case to the Board. Chair Dean stated the Board will wait to the end of the meeting before dismissing.

No one appeared at the end of the meeting to present the case to the Board. Chair asked the Board for its ruling. Chester Ayers made a motion to dismiss the case. Tom Polk made a second. All Yes, the motion was approved.

CASE NO. 2

Application and appeal of Winston Fite for a 10 feet sign area variance from Section 25-77 (e) (3) to install a new sign located at 3326 Highway 31 South. Property is located in an M-1, Light Industry District.

Chair Dean stated Tom Polk must recuse himself from the case. Mr. Fite presented the case to the Board. Mr. Fite stated his name and he is representing Bramlett Kia. Mr. Fite stated the dealership

is under renovation and they are asking for a slightly larger sign to be installed in the same location.

Chair asked if the new sign is to be six inches wider. Mr. Fite stated roughly. Chair asked if the new sign is to be installed in the same location. Mr. Fite 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. Not present. 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. 3

Application and appeal of G&B Entertainment LLC for a use permitted on appeal from Section 25-11 to serve alcohol at private events located at 719 Bank Street NE. Property is located in a B-5, Central Business District.

Chase Grisham presented this case to the Board. Mr. Grisham stated his name and address as 2355 Danville Road Decatur AL. Mr. Grisham stated he owns an event venue on Bank Street and he would like to serve alcohol for private events comparable to Magnolia Room and Sykes Place.

Chair asked for questions from the Board. Tom Polk asked if these events are to be private. Mr. Grisham stated yes, not open to the public. Mr. Grisham stated the space must be rented or will be ticketed events. Chair asked for hours of operation. Mr. Grisham stated most events cut off at eleven to comply with the sound ordinance. Tom Polk asked if any constraints are placed on the outdoor use of the property. Mr. Grisham stated the property does not have any outdoor seating and the use is limited to indoors only. Chair asked if outside alcohol would be allowed to be brought in to the events. Mr. Grisham stated no, they must purchase alcohol from the owner. Chair asked any other comments from the Board. None.

Chair asked for any comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. Not present. 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 all other rules and regulations concerning this type business must be met. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

Chair asked for any other new business. None.

Meeting adjourned at 4:37 p.m.

Delayne Dean, Chair

AGENDA

CASE NO. 1

Application and appeal of Oattie 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.

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.

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.



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: MR. OTTIE NEWSOM

MAILING ADDR: 1205 MILL RD SE

CITY, STATE, ZIP: DECATUR, AL 35603

PHONE: 256-654-7351

PROPERTY OWNER: FLINT CHURCH OF CHRIST

OWNER ADDR: 1205 MILL RD SE

CITY, STATE, ZIP: DECATUR, AL 35603 PHONE: 256-355-7439

ADDRESS FOR APPEAL: 1205 Mill Rd 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)

SEE ATTACHED APPEAL DESCRIPTION

Applicant Name (print) OTTIE NEWSOM

Signature *Ottie Newsom*

Representative Name (print) BLAKE McANALLY AND/OR

Signature *Galya Ferguson*

Date 12-2-2024

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

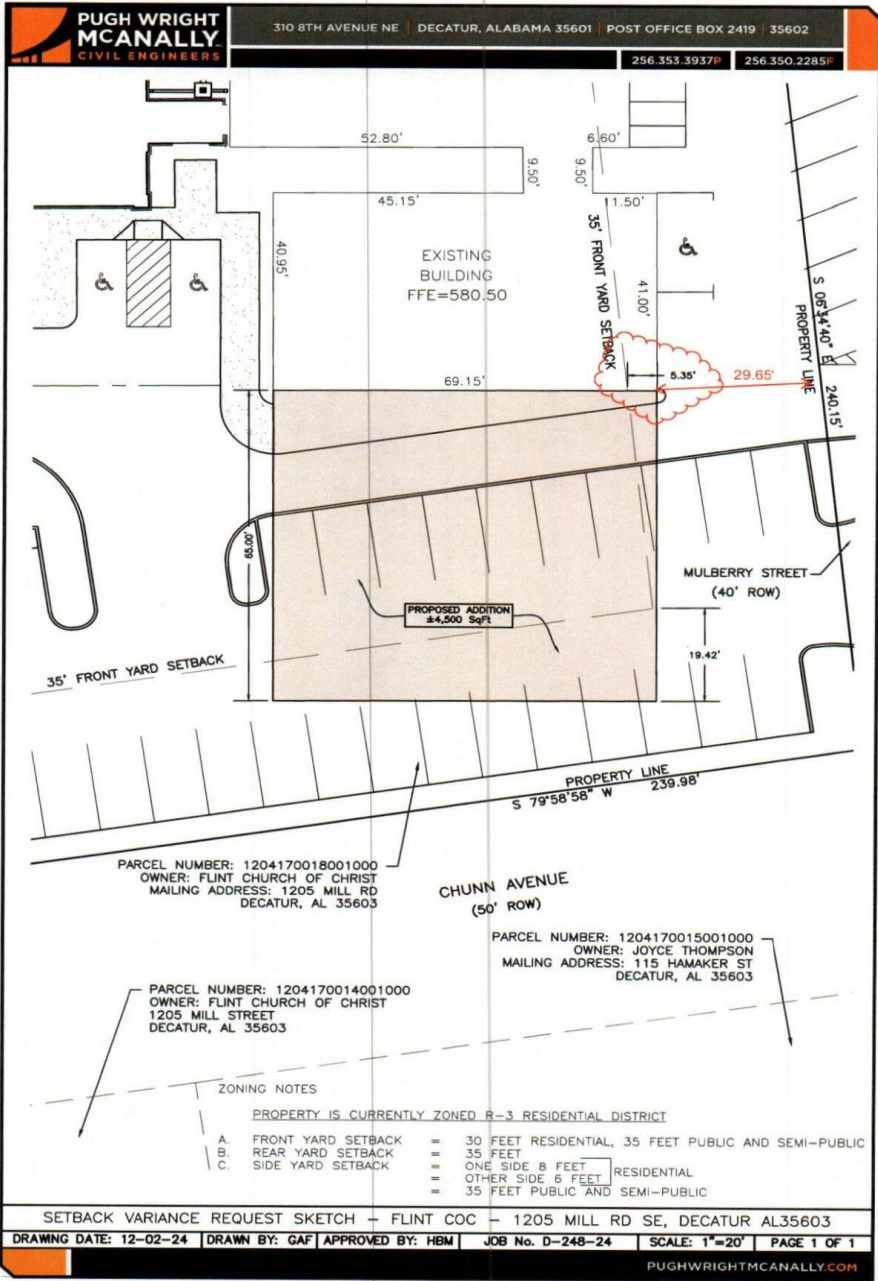
Office Use Received By: _____

Zone R-3

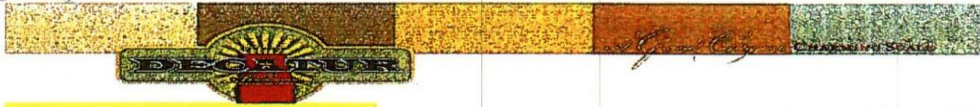
Hearing Date 1/28/25

Approved/Disapproved _____

CASE NO. 1 1205 MILL RD.



Survey



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Ali Alsamawi / Pugh Wright McAnally

MAILING ADDR: 1301 5th Ave

CITY, STATE, ZIP: Decatur, AL, 35601

PHONE: (256) 353-3937

PROPERTY OWNER: GSA 21, LLC

OWNER ADDR: 1301 5th Ave

CITY, STATE, ZIP: Decatur, AL, 35601 PHONE: 256-606-3426

ADDRESS FOR APPEAL: 2612 Old Moulton Road, 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)

This is a commercial retail site. This appeal is for a parking variance. The size of the building is 4,500 SF, the required parking according to the zoning ordinance is 18 parking spots. However, due to size constraints of the projects only 15 parking spots can feasibly fit on the site.

Applicant Name (print) Ali Alsamawi

Signature [Signature]

Representative Name (print) Pugh Wright McAnally, Inc.

Signature [Signature]

Date 1/8/2025

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

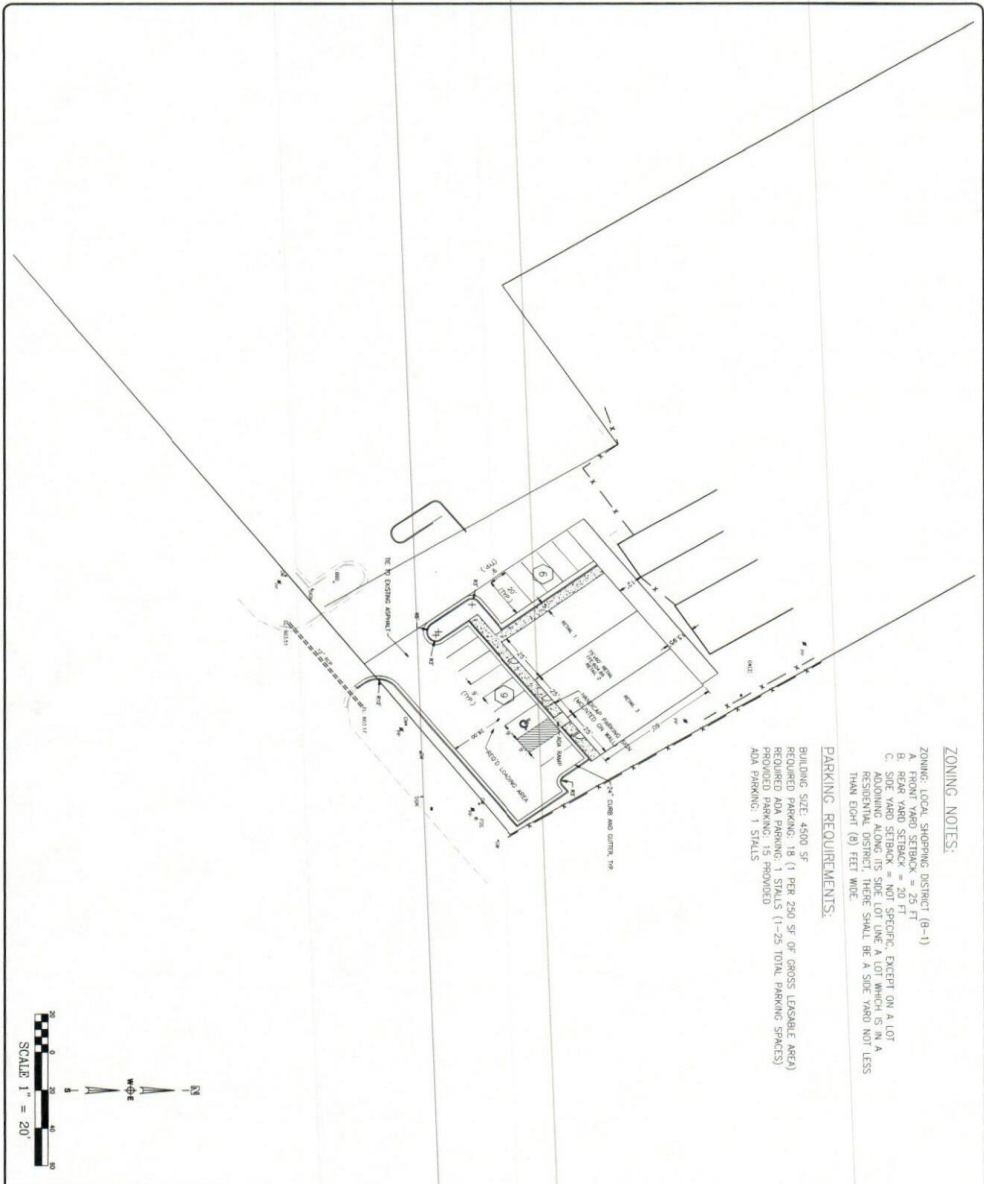
Office Use Received By: [Signature]

Zone B-1

Hearing Date 1/28/25

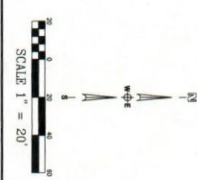
Approved/Disapproved

CASE NO. 2 2612 OLD MOULTON RD. SW



ZONING NOTES:
 ZONING: LOCAL SUBURBAN DISTRICT (B-1)
 A. FRONT YARD SETBACK = 25 FT
 B. REAR YARD SETBACK = 20 FT
 C. SIDE YARD SETBACK = NOT SPECIFIC, EXCEPT ON A LOT IN A RESIDENTIAL DISTRICT THERE SHALL BE A SIDE YARD NOT LESS THAN EIGHT (8) FEET WIDE

PARKING REQUIREMENTS:
 BUILDING SIZE: 4500 SF
 REQUIRED PARKING: 18 (1 PER 250 SF OF GROSS LEASABLE AREA)
 REQUIRED ADA PARKING: 1 STALLS (1-2% TOTAL PARKING SPACES)
 ADA PARKING: 1 STALLS



NOT ISSUED FOR CONSTRUCTION

SHEET NUMBER C300	JOB NUMBER 675-24	DATE ISSUED FOR CONSTRUCTION APPROVED BY THE SCALE 1" = 20'	QSAD1 LLC OLD MOULTON ROAD RETAIL 2612 OLD MOULTON ROAD SECTION 27, TOWNSHIP 08 SOUTH, RANGE 06 WEST CITY OF DECATUR, MORGAN COUNTY, ALABAMA	REVISIONS _____ _____ _____ _____ _____ _____ _____ _____ _____ _____	 202 W. AVENUE 06 - PO BOX 2010 - DECATUR, AL - (256) 353-1517 Pugh Wright McAnally, Inc. www.pughwrightmcanally.com
				SITE LAYOUT PLAN REV# DESCRIPTION DATE	



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Dylan Pate

MAILING ADDR: 1319 Pisgah Road

CITY, STATE, ZIP: Decatur, AL 35603

PHONE: 256-280-1294

PROPERTY OWNER: Dylan Pate, Courtney Pate, Jody Miller, and Joanna Miller

OWNER ADDR: 1319 Pisgah Road

CITY, STATE, ZIP: Decatur, AL 35603 PHONE: 256-280-1294

ADDRESS FOR APPEAL: Pisgah Road (Morgan Co Parcel ID 27375)

NATURE OF APPEAL:

- HOME OCCUPATION
 SETBACK VARIANCE
 SIGN VARIANCE
 USE PERMITTED ON APPEAL
 APPEAL OF ADMINISTRATIVE DECISION
 OTHER
 SURVEY FOR VARIANCES ATTACHED
 DRAWINGS FOR VARIANCs 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)

Request to build a single-family residence in a B-2 zone. The property is partially zoned B-2 and is partially unzoned (unincorporated). The home will be located approximately 750 feet east of US Highway 31 and 500 feet south of Pisgah Road. The parcel abuts AG-1 zoning on the south and east sides (Wheeler National Wildlife Refuge).

Applicant Name (print) Dylan Pate

Signature [Signature]

Representative Name (print) Richard Humphrey

Signature [Signature]

Date 01/09/2025

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

Office Use Received By: [Signature]

Zone B-2

Hearing Date 1/28/25

Approved Disapproved

CASE NO. 3

Pate - Use On Appeal Request



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Decatur, AL makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 12/14/2021
Data updated 06/26/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.