

# BOARD OF ZONING ADJUSTMENT

# AGENDA

August 26, 2014

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#### MINUTES JULY 29, 2014

MEMBERS PRESENT: Chairman George Barran, Messrs., Mr. Larry Waye, Mr. Greg Dobbs, and Ms. Frances Tate

SUPERNUMERARIES: Ms. Sally Jo Green (acted as a voting member in the absence of Eddie Pike) Mr. Charles Taylor

<b>OTHERS PRESENT:</b>	Mr. Wally Terry, Director
	and Custodian of Records
	Mr. Herman Marks, City Attorney
	Mr. Chip Alexander
	Mrs. Karen Smith, Planner
	Mr. Chuck Ard, Councilman
	Mr. Bob Sims, Building Inspector
	Ms. Judy Bosworth, Recorder

Chairman George Barran called the meeting to order at 4:00 p.m. in the Council Chambers at City Hall. Mr. Bob Sims called the roll.

Mr. Larry Waye moved to **approve** the minutes of the June meeting as printed. Mr. Greg Dobbs seconded the motion. On a voice vote, the motion carried.

The Board considered the following applications and appeals.

#### Old Business: Chris Armor - 812 Bradley ST SW

This case is being brought before the Board again to review the conditions set forth in the July 2013 meeting which were as follows:

- 1) A rear yard buffer be put in place.
- 2) Adherences to the Zoning Ordinance from Section 25-16(9)(c) (iii) and 25(9)(f)(i) concerning landscaping.
- 3) Bring the building up to code per the City's requirements.
- 4) Have landscaping approved by Planning.

Mr. Chris Armor and Mr. Jim Pugh, professional engineer presented this case to the Board. Mr. Armor stated the landscaping and cleaning of the property is complete. Mr. Armor further stated plans had been submitted to the Building Department several months ago and the Building Department replied back with a list of items needed. Mr. Armor further explained Mr. Pugh had been very busy and unable to submit plans addressing the issues until this date July 29, 2014.

Chairman, George Barran stated the Board's decision a year ago was for the building to be demolished unless it was brought to code. Chairman, Barran asked Mr. Armor if he could have the work on the building completed within thirty days.

Mr. Jim Pugh stated the civil part and the landscaping were complete, but they still need to construct the firewall.

Mr. Wally Terry asked if there were any additional structural issues that needed to be addressed and if they could complete the job in thirty days.

Mr. Jim Pugh stated there were no additional structural issues.

Mr. Chris Armor asked for sixty days to complete the work.

Chairman, Barran stated a year had elapsed without the building being brought up to code. Therefore, the Board would prefer thirty days.

Mr. Larry Waye moved to allow thirty days for the building to be complete or if not complete report back to the Board at the next meeting. Mr. Greg Dobbs seconded the motion. On a roll-call vote, the motion carried.

## Tabled Case from last month's meeting – Epic Church

Application and appeal of Epic Church for a variance from Section 25-80(a) of the Zoning Ordinance to reestablish the grandfather status of the abandoned sign at 607 14<sup>th</sup> St SE, property located in a M-1 Industrial Zoning District.

The Board voted to withdraw this case per the applicant's request.

#### CASE NO 1

Application and appeal of Angelica V. Huerta for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a lawn care and lawn scape company at 224 Robinson St SW, property located in a R-2 Single-Family Zoning District.

Ms. Angelica V. Huerta presented this case to the Board. Ms. Huerta stated she would like an administrative office for a lawn care and lawn scape business. The Board pointed out to Ms. Huerta employees could not report to her home for work. Additionally, a sign was allowed on her vehicle but could not contain her address.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith stated the Planning Department had no comment.

Mr. Larry Waye moved to approve this home occupation request as submitted. Mr. Greg Dobbs seconded the motion. On a roll-call vote, the motion carried.

CASE NO 2

Application and appeal of Shelika Moore for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have a home office for hair care services at 532 10<sup>th</sup> Ave NW, property located in a R-4 Multi-Family Zoning District.

This case was moved to the end of the docket because no one came forward to present the case when called.

## CASE NO 3

Application and appeal of James Patrick Martin for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office to bake cakes at 2404 Duncansby Dr SW, property located in a R-2 Single-Family Zoning District. This business would be conducted under the guidelines of the Alabama Cottage Food Law SB159.

Mr. James Patrick Martin presented this case to the Board. Mr. Martin stated the state recently passed the Cottage Food Law which allows people to prepare certain food items in their home. Mr. Martin also stated he would like an administrative office to bake cakes under the guidelines of this law.

Mr. Larry Waye stated this is the first instance the Board has dealt with the new Cottage Food Law and one of the major differences between what the state allows and what the city allows is in customers coming to the home to purchase merchandise. Mr. Waye stated the Zoning Ordinance prohibits customers coming to the home.

Mr. Martin stated he would take the items off-site to sell; he was not interested in customers coming to his home.

Mr. Larry Waye additionally stated employees could not come to his home.

Chairman, George Barran reiterated that the Zoning Ordinance did not concur with the state as far as customers coming to the home. Chairman, Barran also stated a commercial grade range was not allowed.

Mr. Wally Terry asked Mr. Martin if he would be catering. Mr. Martin replied," no".

Mr. Sims stated to Mr. Martin a sign to advertise his business was not allowed at his home. Mr. Sims then stated the Building Department would recommend approval.

Mrs. Smith stated the Planning Department would recommend approval.

Mr. Larry Waye moved to approve this home occupation request as submitted. Ms. Sally Jo Green seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 4

Application and appeal of Brandi C. Sparks for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office to receive inbound calls for Arise Virtual Solutions at 1713 Cagle Ave SW, property located in a R-1 Single-Family Zoning District.

Ms. Brandi C. Sparks presented this case to the Board. Ms. Sparks stated she would like an administrative office to receive inbound calls for Arise Virtual Solutions.

Mr. Sims of the Building Department and Mrs. Smith of the Planning Department both stated they would recommend approval.

Mr. Greg Dobbs moved to approve this home occupation request as submitted. Mr. Larry Waye seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 5

Application and appeal of Jerica White for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have a home day care for six children or less from 6:00 a.m. to 6:00 p. m. at 1809 Cumberland Ave SW, property located in a R-2 Single-Family Zoning District.

Ms. Jerica White presented this case to the Board. Ms. White stated she would like to open a home day care for six children or less.

Mr. Sims of the Building Department and Mrs. Smith of the Planning Department both stated they would recommend approval.

Mr. Larry Waye moved to approve this day care request as submitted. Mr. Greg Dobbs seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 6

Application and appeal of Emily Carlson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have a home day care for six children or less from 7:00 a.m. to 5:30 p.m. at 3311 Wheat Ave SW, property located in a R-2 Single-Family Zoning District.

Ms. Emily Carlson presented this case to the Board. Ms. Carlson stated she would like to open a home day care but she would like to change the hours of operation to be open from 6:00 a.m. to 6:00 p.m.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith stated the Planning Department would concur with the Building Department.

Ms. Sally Jo Green moved to approve this day care request as submitted. Ms. Frances Tate seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 7

Application and appeal of Neal Holland for a use permitted on appeal from Section 25-11(a) of the Zoning Ordinance to have an event venue at 2906, 2912 and 2918 Modaus Rd SW, property located in a AG-1 Agricultural Zoning District.

Attorney, Barney Lovelace presented this case to the Board. Attorney Lovelace stated he was representing Mr. Holland who would like an event venue at the above address. Attorney, Lovelace also stated they understood the building would need to meet the building requirements.

Mr. Sims of the Building Department and Mrs. Smith of the Planning Department both stated they would recommend approval.

Mr. Larry Waye moved to approve this use permitted on appeal request as submitted. Ms. Frances Tate seconded the motion. On a roll-call vote, the motion carried.

CASE NO 2-Called again

Application and appeal of Shelika Moore for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have a home office for hair care services at 532 10<sup>th</sup> Ave NW, property located in a R-4 Multi-Family Zoning District.

The Board dismissed this case when no one came forward to present the case.

The meeting adjourned at 4:25

Chairman, George Barran

## AGENDA AUGUST 26, 2014

## CASE NO 1

Application and appeal of Lucia Galeano for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a cleaning service at 324 Cardinal Dr SW, Apt. 505, property located in an R-4 Multi-Family Zoning District.

# CASE NO 2

Application and appeal of Gary Balentine for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a lawn care business at 3201 Wheat Ave SW, property located in a R-2 Single-Family Zoning District.

# CASE NO 3

Application and appeal of Darnell L. Burt for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a general contractor business at 414 Briarwood Dr SW, property located in a R-2 Single-Family Zoning District.

# CASE NO 4

Application and appeal of David Yee with Signarama for a 21 foot setback variance from Section 25-78(d) of the Zoning Ordinance in order to erect a monument sign at 715 Cedar Lake Rd SW, property located in an R-4 Multi-Family Zoning District

# CASE NO 5

Application and appeal of Gina Penney with Atlas Signs for a 72.7 square foot area variance from Section 25-77(d)(2) of the Zoning Ordinance in order to increase the allowable square footage of the attached sign from 112 square feet to 184.70

square feet at 1801 Beltline Rd SW, Ste. 410, property located in a B-4 Regional Shopping Zoning District.



## APPLICATION FOR APPEAL TO THE BOARD OF ZONING ADJUSTMENT CITY OF DECATUR, ALABAMA

APPLICANT NAME:	Lucia Galeano	
MAILING ADDRESS:	324 Cardinal drive SW Apt: 505	
PLEASE INCLUDE CITY, STATE AND ZIP	Decator Alabama 35/201	
PHONE:	(205) 382-9894	
PROPERTY OWNER NAME:	Lucia Galeano	
MAILING ADDRESS:	324 cardinal Drive Sh/ Apt: 505	
PLEASE INCLUDE CITY, STATE AND ZIP	Decatur, AL	
PHONE:	(205) 382-9894	
324 Cardinal D		
NATURE OF THE APPEAL:		
SIGN VARIANCE APPEAL OF ADMINISTRATIVE DECISION OTHER		
DESCRIBE IN DETAIL THE REQU	EST: Adminstrative office for cleaning	
business		
APPLICANT SIGNATURE	OFFICE USE ONLY	
Aurora Gale	REVIEWED BY: 2K	
	ZONING DISTRICT. D-4	
Aurora Galeau	HEARING DATE: 8/26/14	
1/18/14		
	APPROVED/DISAPPROVED:	
The Board of Zoning Adjustment meets	the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed	
· · · · · · · · · · · · · · · · · · ·	UST be present in order for the case to be heard. Please request a copy of this application.	

CASE NO 1 324 CARDINAL DR SW, APT 505

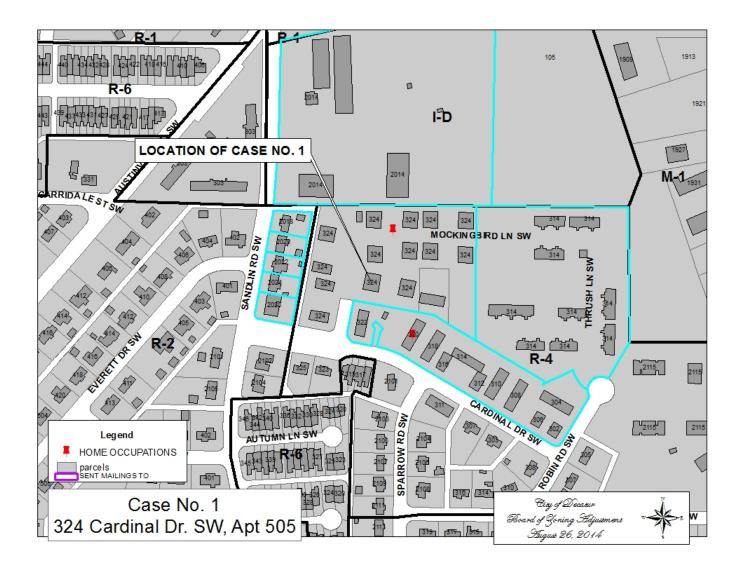
## HOME OCCUPATION QUESTIONS

#### CHECK YES OR NO FOR EACH QUESTION

- 1. Is the use applied for, administrative office, making of crafts, sewing, etc., conducted entirely within the dwelling? YES V NO
- 2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES \_\_\_\_ NO \_\_\_
- 3. Is there advertising on the premises or your vehicles? YES 📈 NO \_\_\_\_
- 4. Is more than one room within the home used for the home occupation? YES \_\_\_\_ NO \_\_\_
- .5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES \_\_\_\_ NO X\_\_\_
- -6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES \_\_\_\_ NO X
- -7. Is there any increase in traffic connected with this home occupation? YES \_\_\_\_ NO X
- ~8. Will there be any more than one sales parties at you home per quarter related to this home occupation? YES \_\_\_\_ NO X
  - 9. Will this home occupation result in increased parking demands? YES \_\_\_\_ NO \_\_\_
  - 10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, Fed-Ex, Airborne Freight? YES \_\_\_\_ NO </\_\_
  - 11. Will there be any employees of this home occupation other than members of the family living in the home? YES \_\_\_\_ NO ⊥∕

SIGNED: Auxora Galeano	DATE: 7/18/14	
ADDRESS: 324 Cardinal Prive Su	Apt: SUS	
Deatur, AL 35601		

#### QUESTIONNAIRE



## LOCATION MAP 324 CARDINAL DR SW, APT 505



My LAWA CARE

#### APPLICATION FOR APPEAL TO THE BOARD OF ZONING ADJUSTMENT CITY OF DECATUR, ALABAMA

APPLICANT NAME:	GAry BALEntine
MAILING ADDRESS: PLEASE INCLUDE CITY, STATE AND ZIP	BECATOR AL 35603
PHONE:	(256) 345-5564
PROPERTY OWNER NAME:	GANY BALENTINC
MAILING ADDRESS:	3201 wheat Ave sw
PLEASE INCLUDE CITY, STATE AND ZIP	DERAFUR AL 35603
PHONE:	256-345-5564
PROPERTY LOCATION/STREET	ADDRESS FOR REQUEST:
3201 Whe	At Ave SW
NATURE OF THE APPEAL	
HOME OCCUPATION	SETBACK VARIANCE USE PERMITTED ON APPEAL
	APPEAL OF ADMINISTRATIVE DECISION OTHER
DESCRIBE IN DETAIL THE REQU	EST: I'm wAnting to use my home As
business Add	ress And my GARAge As storage for

APPLICANT SIGNATURE	OFFICE USE ONLY
hang Balut	REVIEWED BY: RLS
PRINT NAME	$\Omega$
GANY BALENTUNE	ZONING DISTRICT: <u>K-Z</u>
DATE	HEARING DATE:
7-18-2014	APPROVED/DISAPPROVED:

equipmen

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10<sup>th</sup> of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

## CASE NO 2 3201 WHEAT AVE SW

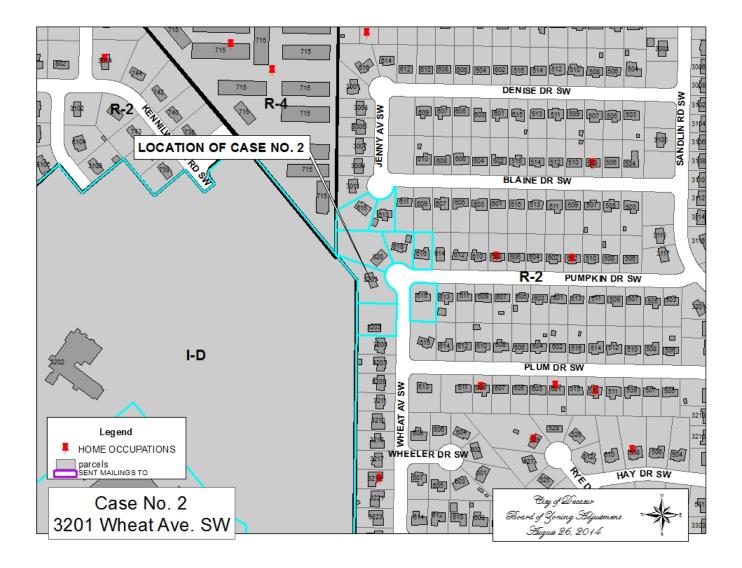
## HOME OCCUPATION QUESTIONS

#### CHECK YES OR NO FOR EACH QUESTION

- 1. Is the use applied for, administrative office, making of crafts, sewing, etc., conducted entirely within the dwelling? YES NO\_\_\_\_\_
- 2. Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES \_\_\_\_ NO \_\_\_\_
- 3. Is there advertising on the premises or your vehicles? YES \_\_\_\_ NO \_\_\_
- 4. Is more than one room within the home used for the home occupation? YES \_\_\_\_ NO \_\_\_
- 5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES \_\_\_\_ NO \_\_\_\_
- 6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES \_\_\_\_\_ NO \_\_\_\_
- 7. Is there any increase in traffic connected with this home occupation? YES \_\_\_\_ NO \_\_\_
- Will there be any more than one sales parties at you home per quarter related to this home occupation? YES \_\_\_\_\_NO \_\_\_\_
- 9. Will this home occupation result in increased parking demands? YES \_\_\_\_ NO \_\_\_
- 10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, Fed-Ex, Airborne Freight? YES NO
- 11. Will there be any employees of this home occupation other than members of the family living in the home? YES \_\_\_\_ NO \_\_\_

SIGNED: Many Balata	DATE:	7-18-2014
ADDRESS: 3201 wheat Ave su		

#### QUESTIONNAIRE



#### LOCATION MAP 3201 WHEAT AVE SW



## APPLICATION FOR APPEAL TO THE BOARD OF ZONING ADJUSTMENT CITY OF DECATUR, ALABAMA

APPLICANT NAME: DARNell Lorenzo Buat
MAILING ADDRESS: <u>414 Briarwood Dr. S.W. Dep</u>
CITY, STATE AND ZIP DECATUR AI 35601
PHONE: 256-565-1402
PROPERTY OWNER NAME: DARNell LONEN20 BURF
MAILING ADDRESS: 414 Brierwood Dr. S.W.
CITY, STATE AND ZIP DECATUR A1 35601
PHONE: 256-565-1402
PROPERTY LOCATION/STREET ADDRESS FOR REQUEST:
414 Briarwood Dr. S.W. Decatur Al 35601
HOME OCCUPATION SETBACK VARIANCE USE PERMITTED ON APPEAL
DESCRIBE IN DETAIL THE REQUEST: Requesting admin, office
Por a general Contrator lincense
APPLICANT SIGNATURE
Samel Lange Bust
PRINT NAME
DARNell LORENZO BURK ZONING DISTRICT: R-Z
DATE HEARING DATE:
<u>8-8-2014</u> APPROVED/DISAPPROVED:
The Roard of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed

by the 10<sup>th</sup> of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

CASE NO 3 414 BRIARWOOD DR SW

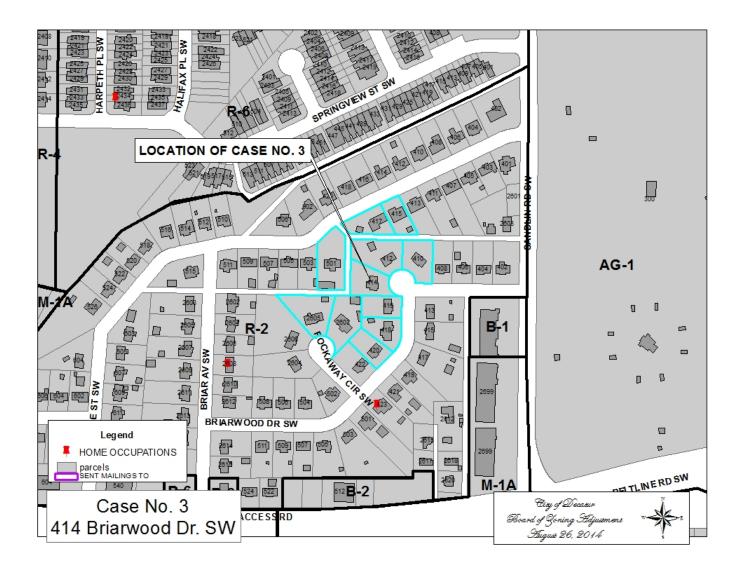
## HOME OCCUPATION QUESTIONS

#### CHECK YES OR NO FOR EACH QUESTION

- 1. Is the use applied for, administrative office, making of crafts, sewing, etc., conducted entirely within the dwelling? YES / NO \_\_\_\_\_
- Does the occupation produce sounds, colors or other audible or visible evidence of a home occupation being present? YES \_\_\_\_\_NO \_\_\_\_\_
- 3. Is there advertising on the premises or your vehicles? YES \_\_\_\_ NO
- 4. Is more than one room within the home used for the home occupation? YES \_\_\_\_ NO \_\_\_\_
- 5. Are there any explosives or highly combustible materials used or stored within the home in connection with this home occupation? YES \_\_\_\_\_ NO \_\_\_\_\_
- 6. Does the home occupation produce any electrical interference, smoke, dust, or noise, which may be offensive? YES \_\_\_\_\_ NO \_\_\_\_
- 7. Is there any increase in traffic connected with this home occupation? YES \_\_\_\_ NO
- Will there be any more than one sales parties at you home per quarter related to this home occupation? YES \_\_\_\_\_NO \_\_\_\_\_
- 9. Will this home occupation result in increased parking demands? YES \_\_\_\_\_ NO \_\_\_\_
- 10. Will there be any deliveries to the home other than the usual common carrier trucks serving a residential area such as UPS, Fed-Ex, Airborne Freight? YES \_\_\_\_ NO \_\_\_\_
- 11. Will there be any employees of this home occupation other than members of the family living in the home? YES \_\_ NO \_\_\_

SIGNED:	Dars	ull Louno	Su	£	DATE:	8-8-2014	
ADDRESS:	414	Briarwood	Dr.	S. W.			

#### **QUESTIONNAIRE**



#### LOCATION MAP 414 BRIARWOOD DR SW



## APPLICATION FOR APPEAL TO THE BOARD OF ZONING ADJUSTMENT CITY OF DECATUR, ALABAMA

APPLICANT NAME:	David Yee Signarama
MAILING ADDRESS:	9059 Madison Blud Ste I
PLEASE INCLUDE CITY, STATE AND ZIP	Madism, AL 35758
PHONE:	256-503-2937
PROPERTY OWNER NAME:	Jack Atkins
MAILING ADDRESS:	P.O. Box 427
PLEASE INCLUDE CITY, STATE AND ZIP	Auburn, AL 35831
PHONE:	334-821-7098
PROPERTY LOCATION/STREET A	
	1 Apts /715 Cedar Lake Rd SW, Deater
Summer Les	35603
NATURE OF THE APPEAL:	1
	2
DESCRIBE IN DETAIL THE REQUE	ST: We are requesting a 21 Variance Setback.
The reason is th	he sign would not be visible with a total
Setback from the	e street of 2 50! The Monument would still be
within the proper	by line. The Sommer key Apts do not have any -?
APPLICANT SIGNATURE	OFFICE USE ONLY
- pen	REVIEWED BY: KLS bail
PRINT NAME Danid	ZONING DISTRICT: R-4
DATE	HEARING DATE: 8/24/14
852	APPROVED/DISAPPROVED:
The Board of Zoning Adjustment meets th	he LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10<sup>th</sup> of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

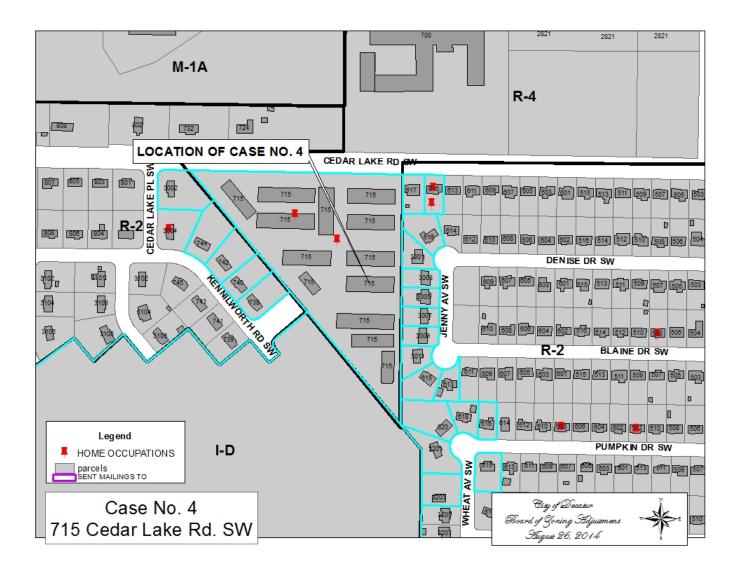
## CASE NO 4 715 CEDAR LAKE RD SW

Permanent Signage. This Monument Would be their only form of advertising.

## PG 1 CONT'D



## PICTURE OF PROPOSED SIGNAGE



#### LOCATION MAP 715 CEDAR LAKE RD SW



## APPLICATION FOR APPEAL TO THE BOARD OF ZONING ADJUSTMENT CITY OF DECATUR, ALABAMA

APPLICANT NAME:	Ging Penney
MAILING ADDRESS: PLEASE INCLUDE CITY, STATE AND ZIP	West Palm Beach, FI 33404
PHONE:	561-863-6659
PROPERTY OWNER NAME:	Decatur Mall Management
MAILING ADDRESS:	1801 Beltline Rd. SW.
PLEASE INCLUDE CITY, STATE AND ZIP	Decatur, Al. 30601
PHONE:	256-350-0453

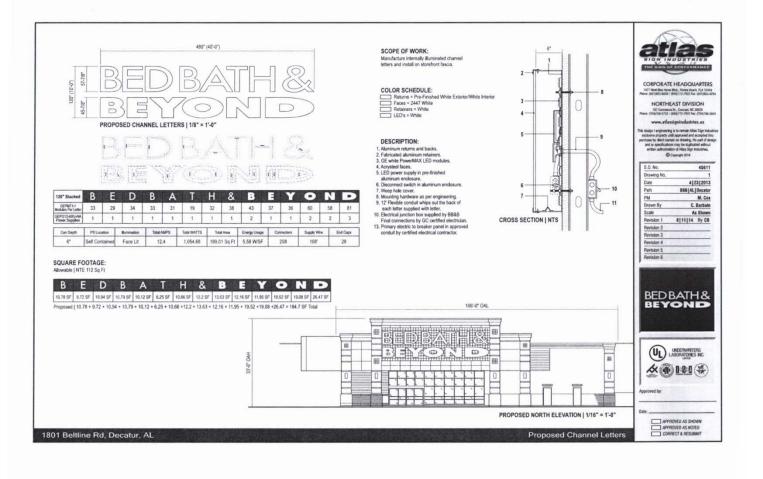
PROPERTY LOCATION/STREET ADDRESS FOR REQUEST: 1801 Beltline Rd Decatur, Al. 35601 ste 410

NATURE OF THE APPEAL:	SETBACK VARIANCE		N APPEAL
SIGN VARIANCE		TIVE DECISION	OTHER
SIGN VARIANCE	APPEAL OF ADMINISTRA	ATIVE DECISION	] OTHER

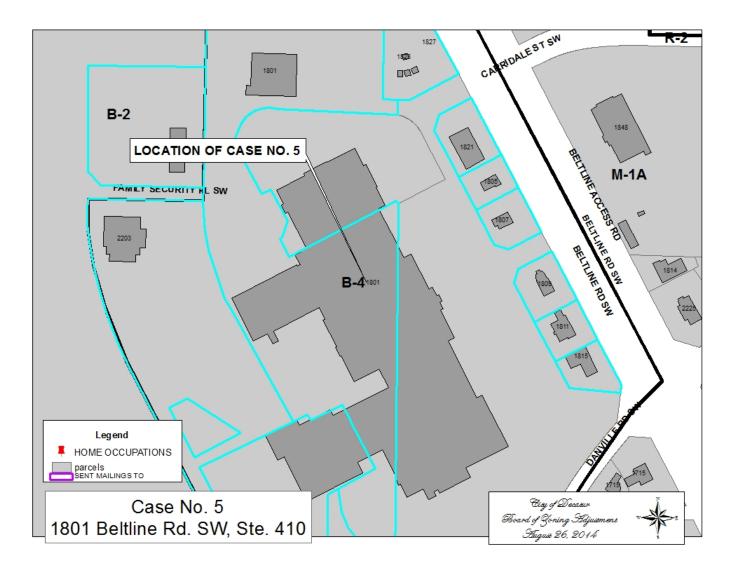
DESCRIBE IN DETAIL THE REQUEST: We are requesting an increase	
from allowable square footage.	
allouble = 1120 Requesting 184.70	
APPLICANT/SIGNATURE	
APPLICANUSIGNATURE	REVIEWED BY: RUS
Gina Peoneu.	ZONING DISTRICT: B-4
DATE 8/8/14	
-0101.1	APPROVED/DISAPPROVED:
The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed	

The Board of Zoning Adjustment meets the LAST Tuesday of each month at 4:00 PM in the Council Chambers of City Hall. Applications must be filed by the 10<sup>m</sup> of the month. Applicants MUST be present in order for the case to be heard. Please request a copy of this application.

## CASE NO 5 1801 BELTLINE RD SW, STE 410



## PICTURE OF PROPOSED SIGNAGE



## LOCATION MAP 1801 BELTLINE RD SW, STE. 410