



BOARD OF ZONING ADJUSTMENT

AGENDA

December 16, 2014

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MINUTES NOVEMBER 25, 2014

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

SUPERNUMERARIES: Mr. Charles Taylor

OTHERS PRESENT: Mr. Wally Terry, Director
.....and Custodian of Records
Mr. Herman Marks, City Attorney
Mr. Chip Alexander, Asst. City Attorney
Mrs. Karen Smith, Planner
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.

Ms. Frances Tate moved to **approve** the minutes of the October meeting as printed. Mr. Greg Dobbs seconded the motion. On a voice vote, the motion carried.

The Board considered the following applications and appeals.

CASE NO 1

Application of Phyllis Smith for an appeal of an Administrative Decision from Section 25-11.2 of the Zoning Ordinance to have an administrative office for a residential cleaning business at 916 5th Ave SE, Unit B, property located in a RD Redevelopment Zoning District.

Ms. Phyllis Smith presented this case to the Board. Ms. Smith stated she would like an administrative office for a cleaning business. Ms. Smith also stated the owner was aware of her request and had no problem with her having a cleaning business.

Mr. Larry Waye stated there could be no employees coming to her home to meet for work, and there would only be a few cleaning supplies allowed at the home.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Karen Smith stated this request was for an administrative office in a RD Redevelopment Zoning District; therefore, the Building Codes should come into effect. Mrs. Karen Smith also stated this is not really a home occupation because of the type zoning, therefore the Planning Department would recommend denial.

Mr. Greg Dobbs asked if the RD District was technically a business classification and therefore would potentially need to meet the building codes?

Mr. Sims of the Building Department stated this is an office in a residential structure located in a business class and should be brought up to code.

Chairman, George Barran explained to the applicant her home is located in a RD District which is also a Business District but he felt the Board could work with having an administrative office in this location.

Mr. Larry Waye moved to approve this appeal of an Administrative Decision as submitted with the understanding no employees could come to the home and no supplies could be stored other than regular house-hold supplies. Mr. Greg Dobbs seconded the motion. On a roll-call vote, the motion carried.

CASE NO 2

Application and appeal of Marlon Birdsong 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 sell dresses on-line at 2908 Ashville Dr SW, property located in a R-2 Single-Family Zoning District.

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

CASE NO 3

Application and appeal of Annie 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 residential cleaning business at 403 7th 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 4

Application and appeal of Chris Armor for a 7.5 foot rear-yard setback variance to Section 25-11 of the Zoning Ordinance in order to be allowed to keep the structure at 812 Bradley St SW, property located in a B-1 Business Zoning District.

Mr. Chris Armor presented this case to the Board. Mr. Armor stated he was requesting reinstatement of the variance that was previously relinquished. Mr. Armor also stated the building is now completed and the building final inspection has been performed by the Building Department.

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith stated the Planning Department had no comment.

Mr. Eddie Pike moved to approve this request as submitted. Mr. Greg Dobbs seconded the motion. On a roll-call vote, the motion carried.

CASE NO 5

Application and appeal of Ken Lett for a use permitted on appeal to Section 25-12.1 of the Zoning Ordinance to be able to manufacture popcorn at 3504 Danville Rd SW, property located in a AG-2 Zoning District.

Mr. Ken Lett presented this case to the Board. Mr. Lett stated he purchased a commercial building and wanted to manufacture popcorn for wholesale purposes. Mr. Lett also stated he would employ three or four persons to help with the operation.

Mr. Sims stated the Building Department would recommend approval with caution to Mr. Lett that this business does not develop into a large scale operation.

Mrs. Smith stated the Planning Department would agree with the Building Department as long as there were no retail sales.

Mr. Larry Waye moved to approve this request with the condition there be no on-site sales or retail sales for this business. Mr. Greg Dobbs seconded the motion. On a roll-call vote, the motion carried.

CASE NO 6

Application and appeal of Dr. Paul Bishop for a variance to Section 25-16(6) of the Zoning Ordinance to allow double loaded parking spaces for employees only to be included in the parking calculations at 431 Johnston St SE, property located in a B-2 General Business Zoning District.

Mr. John Underwood of Shoal Architects represented Dr. Paul Bishop and presented this case to the Board. Mr. Underwood stated the application presented to the Board requested double loaded parking but they actually just need one more parking space.

Chairman, George Barran asked if they would be happy with a one space variance. Mr. Underwood stated, "yes".

Mr. Sims stated the Building Department would recommend approval.

Mrs. Smith stated the Planning Department would recommend approval.

Mr. Eddie Pike moved to approve this variance request as submitted. Mr. Larry Waye seconded the motion. On a roll-call vote, the motion carried.

CASE NO 2

Application and appeal of Marlon Birdsong 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 sell dresses on-line at 2908 Ashville Dr SW, property located in a R-2 Single-Family Zoning District.

This case was called again. Mr. Birdsong presented this case to the Board. Mr. Birdsong stated he was seeking an administrative office to have an on-line boutique to sell clothing. Mr. Birdsong also stated he would store a small amount of inventory but would be using only one room for his administrative office.

Ms. Frances Tate cautioned Mr. Birdsong to be careful not to stockpile items and also stated no employees could come to the home.

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

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

CASE NO 3

Application and appeal of Annie 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 residential cleaning business at 403 7th Ave NW, property located in a R-4 Multi-Family Zoning District.

This case was called again and then dismissed by the Board when no one came forward to present the case.

The meeting adjourned at 4:23

Chairman, George Barran

SPECIAL MEETING AGENDA DECEMBER 16, 2014

CASE NO 1

Application and appeal of Tommy Scott for a use permitted on appeal to Section 25-110(a) to have a temporary seasonal business to sell produce at 214 6th Ave SE, property located in a B-2 General Business Zoning District.



CITY OF DECATUR

BOARD OF ZONING ADJUSTMENT APPLICATION

APPLICANT: Scotts Orchard - Tommy Scott
 MAILING ADDR: 2171 Scott Road HAZEL GREEN
 CITY STATE ZIP: ALA 35750
 PHONE: 256 928 4563

PROPERTY OWNER: JAMES CROW
 OWNER ADDR: 214 6th AV. SE
 CITY STATE ZIP: Decatur ALA. 35602
 OWNER PHONE: 256-353-6491

ADDRESS FOR APPEAL: Decatur BA. to TACKLE 214 6th AV. 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 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)

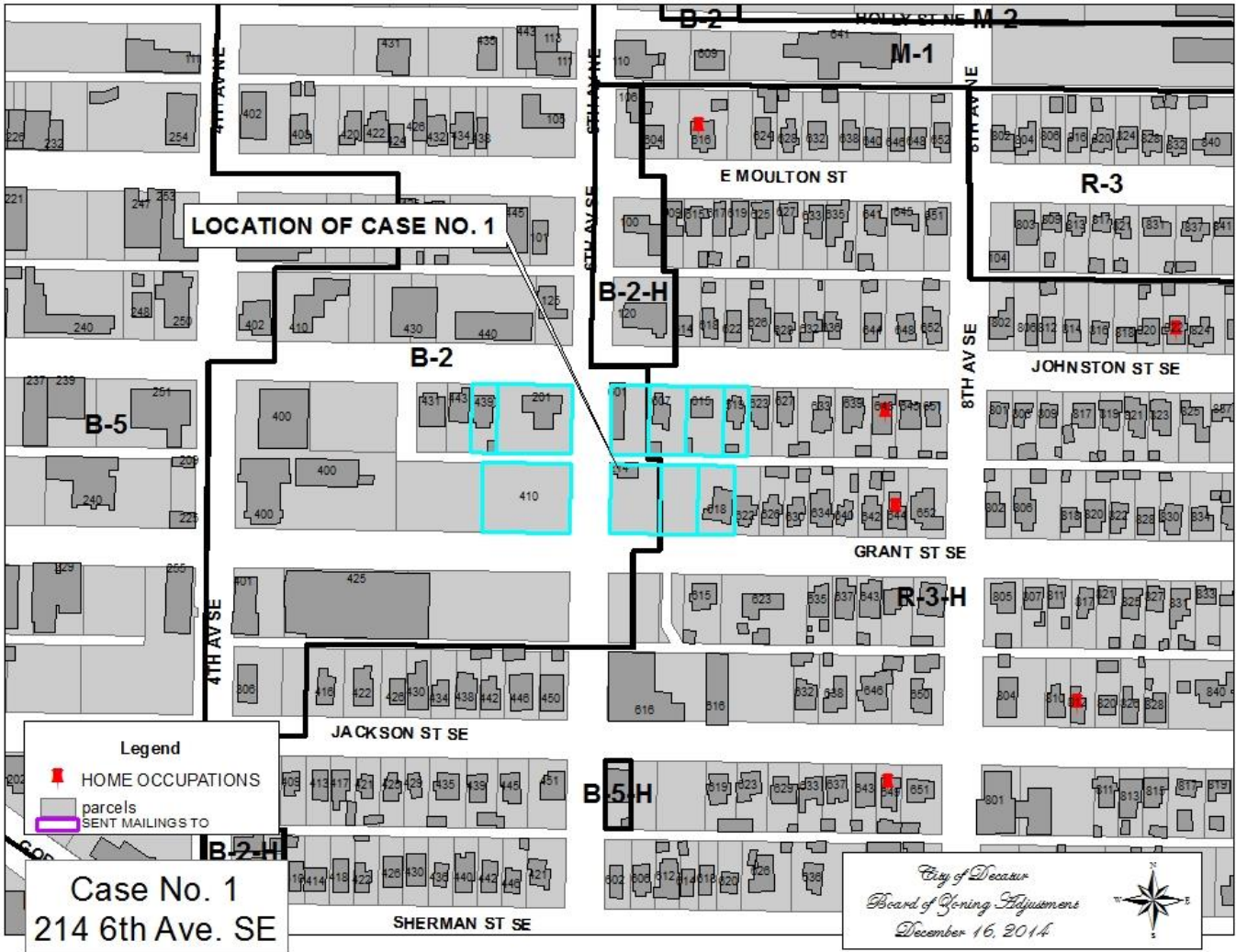
Requesting Temporary Occupancy
in order to sell product

APPLICANT SIGNATURE: Tommy Scott
 PRINT NAME: Tommy Scott
 DATE: 11-19-14

OFFICE USE ONLY:
 RECEIVED BY: Judy
 ZONING DISTRICT: B-2
 HEARING DATE: December 30, 2014
 APPROVED/DISAPPROVED: _____

The Board of Zoning Adjustment meets the last Tuesday of each month at 4:00 PM in the Council Chambers on first floor of City Hall. Applications must be filed by the 10th of the month to be heard the last Tuesday of the month. Applicants MUST be present in order for the case to be heard. Request a copy of this application.

CASE NO 1 214 6TH AVE SE



LOCATION MAP 214 6TH AVE SE