



# BOARD OF ZONING ADJUSTMENT

## AGENDA

OCTOBER 2019

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS.....</b>	<b>2</b>
<b>MINUTES SEPTEMBER 2019 .....</b>	<b>3</b>
<b>AGENDA OCTOBER 2019 .....</b>	<b>13</b>
<b>CASE NO. 1 2808 MONTROSE DR SW .....</b>	<b>14</b>
QUESTIONNAIRE .....	15
LOCATION MAP .....	16
<b>CASE NO. 2 1319 REGENCY BLVD SE.....</b>	<b>17</b>
QUESTIONNAIRE .....	18
LOCATION MAP .....	19
<b>CASE NO. 3 4504 IVY DALE RD SE .....</b>	<b>20</b>
QUESTIONNAIRE .....	21
LOCATION MAP .....	22
<b>CASE NO. 4 2406 WINDOVER PL SW APT # B.....</b>	<b>23</b>
QUESTIONNAIRE .....	24
LOCATION MAP .....	25

## MINUTES SEPTEMBER 2019

**MEMBERS PRESENT:** Chairman, Charles Taylor, Mr. Thomas Rossi, Ms. Delayne Dean, Mr. Collis Stevenson

**SUPERNUMERARIES:** Mr. George Allen, Jr.

**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. Matthew Marques, Planning Department  
Mr. Bob Sims, Building Inspector  
Mrs. Nancy Whiteside, Recorder

Chairman, Charles Taylor called the meeting to order at 4:00 p.m. in the Council Chambers at City Hall.

Mr. Bob Sims called the roll.

The Board considered the following applications and appeals.

The minutes from the August meeting were approved without any changes. Mr. Collis Stevenson motioned to approve the minutes. Mr. Thomas Rossi seconded the motion. On a voice vote the motion carried.

**Point of Information:** The rules and regulations of a home occupation were explained to each applicant requesting a home occupation. Each applicant acknowledged they understood the rules and regulations.

### CASE NO. 1

Application and appeal of Malik Watkins 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 an on-line clothing business located at 506 Carolyn St SW, property is located in a R-1 Single Family Residential Zoning District.

Mr. Malik Watkins presented this case to the Board. Mr. Watkins stated his name and that his address was 506 Carolyn St SW. Mr. Watkins stated he would like a business license to sell children's clothing.

Ms. Delayne Dean asked Mr. Watkins what type of inventory would be stored at his home. Mr. Watkins replied he would have small children's clothing such as footed pajama's, small hats and such.

Mr. Thomas Rossi asked how the products would be delivered to the customer. Mr. Watkins replied he would deliver the product or he would mail the items to the customer.

Chairman, Charles Taylor verified that there would not be any customers coming to his home. Mr. Watkins replied that there would not be any customers coming to the home.

Chairman, Charles Taylor asked for any further questions.

Mr. Bob Sims, Building Department had no comment.

Mr. Matthew Marques, Planning Department, asked Mr. Watkins how the clothes would be delivered to his home. Mr. Watkins replied that everything would be delivered through the mail.

Mr. Matthew Marques, Planning Department, recommended approval.

Mr. Thomas Rossi motioned to approve this case as submitted. Ms. Delayne Dean seconded the motion. On a roll-call vote, the motion carried.

## **CASE NO. 2**

Application and appeal of Jackelyn Poole 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 photography business located at 413 Memorial Dr. SW, property is located in a R-3 Single-Family Residential Zoning District.

Ms. Jackelyn Poole presented this case to the Board. Ms. Poole stated her name and that her address was 413 Memorial Dr. SW. Ms. Poole stated she would like to have an administrative office in her home for her photography business. Ms. Poole stated everything would be done on her computer.

Mr. George Allen verified that there would not be a studio in her home and that no customers would be coming to her home. Ms. Poole replied that there would not be a studio and no one would come to the home. Ms. Poole stated she would go to different locations wherever the client needs to meet. Ms. Poole stated that she would only do editing at the home.

Mr. Thomas Rossi asked if the property owner was aware she was wanting to run this business from the home. Ms. Poole stated yes it is a family member who owns the property.

Chairman, Charles Taylor asked for any further questions.

Mr. Vernon Chance of 2324 Chapel Hill Rd SW came forward. Mr. Chance stated his wife owned the property at 313 Memorial Dr. SW. Mr. Chance asked for verification of exactly what was being requested.

Chairman, Charles Taylor explained the rules of a home occupation to Mr. Chance.

Mr. Chance was concerned how the business would be monitored for traffic coming into and out of the home. And, how does the Board make sure the business owner is in compliance with all of the rules.

Chairman, Charles Taylor explained to Mr. Chance the neighbors should not be able to tell there was a business at the home. If the neighbors notice unusual traffic going in the home and it is reported to the Building Department the business owner could be called back in. An investigation into the activity would be made.

Mr. Chance was concerned about any extra traffic that a business would produce on the already busy street. Mr. Chance was assured that a home occupation consists of only administrative work and there should not be any extraordinary traffic outside of the typical deliveries and local traffic. Mr. Chance understood.

Ms. Betty Jones, property owner, 242 Home Place Huntsville, Al. came forward. Ms. Jones stated she was the property owner and was not in favor of a business being run out of the home.

Chairman, Charles Taylor verified that Ms. Jones did not want the business operating out of the home. Ms. Jones replied that Ms. Poole had not discussed operating a business out of the home and she did not want a business running out of the home.

When Mr. Thomas Rossi asked if the property owner was aware of her wanting to run a business out of the home Ms. Poole stated that it had been discussed with Ms. Jones.

Ms. Poole replied she had not directly talked to Ms. Jones however, Ms. Poole stated that her mother in law is Ms. Jones' sister and had told her she would tell her and she assumed she had discussed it with her.

Ms. Jones stated that her sister did tell her that Ms. Poole was thinking about running a business out of the home but Ms. Poole never talked to her directly.

Mr. Thomas Rossi repeated the misunderstanding to Ms. Jones and Ms. Poole they both agreed.

Chairman, Charles Taylor told Ms. Poole that she could table this case until she and the property owner came to a decision or she could withdraw the application or the Board could move forward with a vote. Ms. Poole stated for the Board to move forward with the vote.

Mr. Bob Sims, Building Department, had no comment.

Mr. Matthew Marques, Planning Department, had no comment.

Mr. Thomas Rossi motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll call vote with the vote 3-2 the motion failed.

### **CASE NO. 3**

Application and appeal of Dustin Mitchell 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 photography & videography business located at 1502 14<sup>th</sup> Av SE, property is located in a R-2 Single Family Residential Zoning District.

Ms. Dustin Mitchell presented this case to the Board. Ms. Mitchell stated her name and that her address was 1502 14<sup>th</sup> Av SE. Ms. Mitchell stated she would like to have an administrative office for a photography and video business. Ms. Mitchell stated all of her work would be done on a computer and no customers would come to the home and she did not have any employees.

Chairman, Charles Taylor asked for any questions from the Board.

Mr. Bob Sims, Building Department, had no comment.

Mr. Matthew Marques, Planning Department, recommended approval.

Mr. Collis Stevenson motioned to approve this case as submitted. Ms. Delayne Dean seconded the motion. On a roll call vote the motion carried.

### **CASE NO. 4**

Application and appeal of Robert Earl Casper 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 located at 2520 Old Moulton Rd SW, property is located in a R-2 Single Family Residential Zoning District.

Mr. Robert Casper presented this case to the Board. Mr. Casper stated his name and that his address was 2520 Old Moulton Rd SW. Mr. Casper stated he would like to have an administrative office for a lawn care business.

Ms. Delayne Dean asked Mr. Casper about the storage of his equipment. Mr. Casper stated all of his equipment would be stored in a shed behind his house.

Mr. George Allen asked Mr. Casper if he had any employees. Mr. Casper replied he did not have any employees.

Ms. Delayne Dean reminded Mr. Casper that he could have employees however, they could not meet him at his home. Mr. Casper understood.

Chairman, Charles Taylor asked for further questions.

Mr. Herman Marks, Legal Department, asked Mr. Casper if he had a trailer to transport his equipment and where was it stored. Mr. Casper replied that he does have a trailer and he stores it behind his house. Mr. Marks asked Mr. Casper if his neighbors would be able to tell he was

running a lawn care service with the trailer being parked behind the house. Mr. Casper replied no because the trailer is stored behind the shed.

Chairman, Charles Taylor asked if any advertising was on the trailer. Mr. Casper replied that there was no advertising.

Mr. Thomas Rossi reminded Mr. Casper that advertising is allowed on the trailer as long as his home address is not on the trailer. Mr. Casper understood.

Mr. Bob Sims, Building Department, had no comment.

Mr. Matthew Marques, Planning Department, recommended approval.

Mr. George Allen motioned to approve this case as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote the motion carried.

#### **CASE NO. 5**

Application and appeal of Eric Smith 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 real estate investment office located at 427 Clearview St SW, property is located in a R-2 Single Family Residential Zoning District.

Mr. Eric Smith presented this case to the Board. Mr. Smith stated his name and that his address was 427 Clearview St SW. Mr. Smith stated he would like to have an administrative office in his home for real estate research.

Mr. George Allen asked Mr. Smith if any customers would be going in and out of his home. Mr. Smith replied no one would be going into or out of his home. Mr. Smith replied that all of his work would be done strictly on the computer.

Chairman, Charles Taylor asked for any further questions.

Mr. Bob Sims, had no comment.

Mr. Mathew Marques, Planning Department, recommended approval.

Mr. Collis Stevenson motioned to approve this case as submitted. Mr. George Allen seconded the motion. On a roll-call vote the motion carried.

#### **CASE NO. 6**

Application and appeal of Jesus Leonardo Castillo 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 an e-commerce business located at 605 Ashley Dr. SW, property is located a R-2 Single Family Residential Zoning District.

Mr. Jesus Leonardo Castillo presented this case to the Board. Mr. Castillo stated his name and that his address was 605 Ashley Dr. SW. Mr. Castillo stated he would like to have an administrative office for an e-commerce business and there would not be any shipping to or from the home everything would be shipped directly from the manufacture.

Chairman, Charles Taylor asked Mr. Castillo about customer and employees. Mr. Castillo stated he had no employees and no customers would come to the home

Mr. Thomas Rossi asked if the owner was aware that he would be running a business from the home. Mr. Castillo stated yes he was aware.

Mr. George Allen asked if there would be any shipments to or from the home. Mr. Castillo replied no.

Chairman, Charles Taylor asked for any further questions.

Mr. Bob Sims, Building Department, had no comment.

Mr. Matthew Marques, Planning Department, recommended approval.

Mr. Thomas Rossi motioned to approve this case as submitted. Mr. George Allen seconded the motion. On a roll-call vote the motion carried.

#### **CASE NO. 7**

Application and appeal of Micha Bolden 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 sublimation printing business located at 3904 Boxwood Ln. SW, property is located in a R-MH Single Family Manufactured Housing Zoning District.

Ms. Micha Bolden presented this case to the Board. Ms. Bolden stated her name and that her address was 3904 Boxwood Ln SW. Ms. Bolden stated she would like to use one room in her home for a t-shirt and sublimation business. Ms. Bolden stated that there would not be any deliveries to or from the home that she would pick her packages up from the UPS store on State Docks Rd. and ship from there as well. Ms. Bolden stated that she did not have any employees. Ms. Bolden stated no customers would come to the home.

Ms. Delayne Dean asked about the equipment she would be using. Ms. Bolden stated that she uses a vinyl cutter and will have an embroidery machine and she uses a sublimation printer all table top size.

Chairman, Charles Taylor asked for further questions.

Mr. Bob Sims, Building Department, had no comment.



Mr. Matthew Marques, Planning Department, asked Ms. Bolden if there would be any off putting smells. Ms. Bolden replied there would not be any smells. Mr. Marques recommended approval.

Mr. George Allen motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote the motion carried.

### **CASE NO. 8**

Application and appeal of Amanda Haag 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 dog training business located at 3526 Highway 31 S Apt # 14C, property is located in a R-4 Multifamily Zoning District.

Ms. Haag presented this case to the Board. Ms. Haag stated her name and that her address was 3526 Highway 31 S Apt 14C. Ms. Haag stated she was asking for permission to have an administrative office for a dog training business at her residence and that there would not be any traffic at her residence. Ms. Haag stated that she had spoken with her landlord and that the landlord was against a business being run out of the home and she wants to honor her wishes. However, Ms. Haag would like to have permission to run this business from a family member's home but did not know how to do this.

Mr. Bob Sims, Building Department, told Ms. Haag she would have to resubmit a new application but, she would have to live at that address. Ms. Haag stated she did not live at that address.

Ms. Haag asked how she would be able to obtain a business license if she can't run it from her home. Mr. Bob Sims told Ms. Haag she would need to rent a building from somewhere else. Then she would be able to obtain a business license.

Mr. Bob Sims, Building Department, asked Ms. Haag if she would like to withdraw this application or did she want the Board to vote on it. Ms. Haag replied yes she would like to withdraw the application.

Chairman, Charles Taylor stated that this application has been withdrawn.

### **CASE NO. 9**

Application and appeal of Marvin Reedus 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 located at 3526 Highway 31 S Apt # 10D, property is located in a R-4 Multifamily Zoning District.

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

## **CASE NO. 10**

Application and appeal of Frank and Linda James for a determination as a use permitted on appeal as allowed in Section 25-2 of the Zoning Ordinance, to have an accessory structure placed in the side yard located at 819 Busbey Rd SW, property is located in an AG-1 Agricultural District.

Mrs. Linda James presented this case to the Board. Mrs. James stated her name and that her address was 819 Busbey Rd SW. Mrs. James stated they would like to have a storage shed located on the side yard of the house. Ms. James stated that the shed cannot be located at the back of the house because the property stays very wet in the back all year round.

Mr. Bob Sims, Building Department, stated that if Mrs. James can have the shed built behind the property line for the front of the house, if the Board so approves, then the shed can be located in the side yard if the shed goes beyond the property line for the front of the house it would then be located in the front yard. The shed would need to be located behind the front property line or dead even with the front property line, if the Board approves the request for a shed to be located in the side yard.

Chairman, Charles Taylor asked for further questions.

Mr. Bob Sims, Building Department, had no further comments.

Mr. Matthew Marques, Planning Department, recommended approval.

Mr. Thomas Rossi motioned to approve this case as submitted. Mr. George Allen seconded the motion. On a roll-call vote the motion carried.

## **CASE NO. 11**

Application and appeal of Cassidy Chandler for a determination as a use permitted on appeal as allowed in Section 25-80 of the Zoning Ordinance to keep an existing sign located at 2218 6<sup>th</sup> Av. SE, property is located in a B-2 General Business District.

Ms. Cassidy Chandler presented this case to the Board. Ms. Cassidy stated her name and that her address was 2218 6<sup>th</sup> Av SE. Ms. Cassidy stated she was asking for a setback variance that would allow her to continue using the existing sign. Ms. Cassidy stated in order to meet the current setback requirement the sign would need to be moved back into the middle of the existing parking lot causing a loss of 2-3 parking spaces which would eliminate the required amount of parking spaces for the building resulting in a hardship for the business.

Chairman, Charles Taylor verified that Ms. Cassidy is leasing the property and inquired that the previous use of the building was for a financial institution. Ms. Cassidy agreed and stated that she also was providing financial services as well as an insurance agency.

Chairman, Charles Taylor stated the sign is out of compliance by being too tall and too close to the highway, Ms. Cassidy agreed.

Ms. Delayne Dean asked Ms. Cassidy if the pole would be repainted. Ms. Cassidy stated the pole would be repainted and refaced if this request is approved.

Chairman, Charles Taylor spoke about what it would take to bring the sign in compliance.

Mr. Bob Sims, Building Department, stated without a survey, if the sign was brought into compliance the sign would have to be 5 or 6 feet from the property line and could only be 3.5 feet tall or 25 sq. ft.

Chairman, Charles Taylor asked for further questions from the Board.

Mr. Bob Sims, Building Department, had no comment.

Mr. Matthew Marques, Planning Department, had no comment.

Ms. Delayne Dean motioned to approve this case as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote the motion carried.

## **CASE NO. 12**

Application and appeal of Lakeda Bolden Boykin for a determination as a use permitted on appeal from Section 25-95 (a) of the Zoning Ordinance in order to have a nighttime home care for 6 children from 6:00 a.m. till 12:00 a.m. at 605 Bellemeade St SW, property is located in a R-2 Residential Single-Family Zoning District.

Ms. Lakeda Boykin presented this case to the Board. Ms. Boykin stated her name and that her address was 605 Bellemeade St SW. Ms. Boykin stated she would like to have a home day care for 6 or less children per shift. There would be 2 different shifts with a caregiver for each shift. The shifts would be 5 a.m. until 3p.m. and then 3p.m. until 10 p.m.

Mr. George Allen verified that there was plenty of space for parking and picking up the children. Ms. Boykin stated she had a double driveway and plenty of room to move.

Mr. Thomas Rossi verified that Ms. Boykin was aware that she would need to comply with all of the DHR rules and regulations, Ms. Boykin understood.

Chairman, Charles Taylor asked for further questions from the Board.

Mr. Bob Sims, Building Department, had no comment.

Mrs. Karen Smith, Planning Department, had no comment.

Mr. George Allen motioned to approve this case as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote the motion carried.

**CASE NO. 9**

Application and appeal of Marvin Reodus 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 located at 3526 Highway 31 S Apt # 10D, property is located in a R-4 Multifamily Zoning District.

This case was called again. The Board dismissed the case because no one came forward to present the case when called.

Meeting adjourned at 4:53 p.m.

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Charles Taylor, Chairman

## **AGENDA OCTOBER 2019**

The Board of Zoning Adjustment of the City of Decatur will hold a public meeting in the COUNCIL CHAMBERS ON THE FIRST FLOOR OF City Hall, 402 Lee Street NE, on Tuesday, October 29, 2019 at 4:00 p.m. 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.

### **CASE NO. 1**

Application and appeal of Lawrence Fine 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 mobile grill cleaning business located at 2808 Montrose Dr. SW, property is located in a R-2 Single-Family Residential Zoning District.

### **CASE NO. 2**

Application and appeal of Jacob Wilbourn 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 pressure washing business located at 1319 Regency Blvd, property is located in a PRD-6 Planned Residential Development District.

### **CASE NO. 3**

Application and appeal of Heather Dale 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 business located at 4504 Ivy Dale Rd , property is located in a R-1 Single-Family Residential Zoning District.

### **CASE NO. 4**

Application and appeal of Samuel Randolph 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 furniture repair business located at 2406 Windover Place, Apt #B, property is located in a R-4 Multi-Family Residential Zoning District.

**CASE NO. 1 2808 MONTROSE DR SW**

## **QUESTIONNAIRE**

**LOCATION MAP**



**CASE NO. 2 1319 REGENCY BLVD SE**

## **QUESTIONNAIRE**

**LOCATION MAP**

**CASE NO. 3 4504 IVY DALE RD SE**

## **QUESTIONNAIRE**

**LOCATION MAP**

**CASE NO. 4 2406 WINDOVER PL SW APT # B**

## **QUESTIONNAIRE**



**LOCATION MAP**