



# BOARD OF ZONING ADJUSTMENT

## AGENDA

March 2019

## TABLE OF CONTENTS

MINUTES FEBRUARY 2019.....	4
MARCH 2019 .....	11
CASE NO. 1 1510 19 <sup>TH</sup> AV SE APT #209 .....	14
QUESTIONNAIRE.....	15
MAP .....	16
CASE NO. 2 1402 PUCKETT AV SW .....	17
QUESTIONNAIRE.....	18
MAP .....	19
CASE NO. 3 412 TAMMY ST SW APT # 3 .....	20
QUESTIONNAIRE.....	21
MAP .....	22
CASE NO. 4 2330 SPRING AV SW .....	23
QUESTIONNAIRE.....	24
COTTAGE FOOD LAWS .....	25
MAP .....	26
CASE NO. 5 1242 BELTLINE RD SW APT #303.....	27
QUESTIONNAIRE.....	28
MAP .....	29
CASE NO. 6 2319 KATHY LN SW.....	30
QUESTIONNAIRE.....	31
MAP .....	32
CASE NO. 7 2601 LITTLE JOHN ST SW .....	33
MAP .....	34
CASE NO. 8 1233 FREMONT ST SW .....	35
QUESTIONNAIRE.....	36
MAP .....	37
CASE NO. 9 2008 COLLEGE ST SE .....	38
QUESTIONNAIRE.....	39
MAP .....	40
CASE NO. 10 3114 BATTLEMENT RD SW .....	41
QUESTIONNAIRE.....	42
MAP .....	43
CASE NO. 11 109 2 <sup>ND</sup> AV. NE.....	44
APPLICATION INSTRUCTIONS.....	45
CLASS 1 RESTAURANT APPLICATION.....	46
CURRENT SITE PLAN .....	47

NEW PROPOSED SITE PLAN .....	48
AERIAL VIEW .....	49
MAP .....	50
ORDINANCE PG.1 .....	51
ORDINANCE PG. 2 .....	52
ORDINANCE PG. 3 .....	53
CASE NO 12 2354 TINTAGEL DR SW .....	54
SURVEY .....	55
BLUEPRINT .....	56
MAP .....	57

## MINUTES FEBRUARY 2019

MEMBERS PRESENT: Ms. Delayne Dean, Acting Chairman, Mr. Collis Stevenson, Ms. Susana Salcido,

SUPERNUMERARIES: Rev. George Allen, Jr .and Mr. Steven Thomas

OTHERS PRESENT: Mr. Wally Terry, Director  
.....and Custodian of Records  
Mr. Chip Alexander, Asst..City Attorney  
Mrs. Karen Smith, Planner  
Mr. Bob Sims, Building Inspector  
Mrs. Nancy Whiteside, Recorder

Acting Chairman, Delayne Dean 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.

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

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

### **CASE NO. 1—DEFERRED FROM JANUARY**

Application and appeal of Sunday Bougher, SGA Design Group for a 65.43 square foot area variance from Section 25-77 ( e )(1) of the Zoning Ordinance in order to install an attached sign at 1203 6<sup>th</sup> Av. S.E., property is located in a RD Re-Development Zoning District.

Ms. Sunday Bougher presented this case to the Board. Ms. Bougher stated she was representing the SGA Design Group at 1437 S. Boulder, Tulsa, Ok 74119. Ms. Bougher stated that Wal-Mart was getting ready to launch an on-line grocery service and signage was included in that launch. The new sign will be located where the pharmacy drive-thru sign is located at this time. The new pick-up sign will replace the pharmacy sign and the new pick-up sign will direct motorist where groceries and pharmacy needs will be picked up. A new smaller pharmacy sign will replace the old pharmacy sign.

Ms. Bougher stated that the Wal-Mart Building is larger than most retailers, even the Neighborhood Markets, and she feels the city's sign ordinance is fair however, topping it off at 200 square feet ties their hands. That combined with the current setbacks it obstructs visibility of the sign.

Rev. Allen asked about the sign that was going to be removed. Ms. Bougher stated that the pharmacy drive-thru sign was going to be removed when the new pick-up sign is installed however, by federal law there has to be a sign that states there is a pharmacy located at the location. The new pharmacy sign will now be re-located to the middle of the building and smaller in size.

Mr. Bob Sims, Building Department, verified the actual amount of square footage being requested. The total is 52.6 square feet beyond what is already there, Ms. Bougher agreed.

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

Mr. Steven Thomas motioned to grant the variance with an additional 53 square feet. Ms. Susana Salcido seconded the motion. On a roll call vote the motion carried.

## **CASE NO. 2**

Application and appeal of Ricky Barnett 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 719 8<sup>th</sup> Av SE, property is located in a R-3 Single-Family Residential Zoning District.

Mr. Rick Barnett presented this case to the Board. Mr. Barnett stated his address was 719 8<sup>th</sup> Av SE. Mr. Barnett stated he was seeking a business license to use one room in his house for his lawn care business and that he would store his equipment in a storage building in his backyard.

Rev. Allen asked Mr. Barnett about the amount of fuel he would be storing in his building. Mr. Barnett stated not more than 5 gallons. Mr. Barnett stated he would fuel up when he got to the job.

Ms. Susana Salcido asked about employees. Mr. Barnett stated he did not have any employees and did not anticipate having any employees.

Ms. Delayne Dean asked about advertising on his truck. Mr. Barnett stated none at this time. Ms. Delayne Dean reminded him he could have signs as long as his home address was not on the vehicle, Mr. Barnett understood.

Ms. Susana Salcido remind Mr. Barnett he could not have clients coming to his home, Mr. Barnett understood.

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

Mrs. Karen Smith, Planning Department, asked about the type of equipment he would be using. Mr. Barnett replied he had typical lawn care equipment. Mrs. Karen Smith recommended approval.

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

## **CASE NO. 3**

Application and appeal of Dalena Nickerson 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 selling women's apparel and merchandise on line located at 715 Cedar Lake Rd SW, Apt #506, property is located in a R-4 Multi-Family Residential Zoning District.

Ms. Dalena Nickerson presented this case to the Board. Ms. Nickerson stated her address was 715 Cedar Lake Rd SW Apt #506. Ms. Nickerson stated she was requesting to have an administrative office in her home to sell women's clothing and merchandise on line.

Ms. Susan Salcido asked how she would ship her merchandise. Ms. Nickerson stated she would take the merchandise to the post office for shipping.

Rev. George Allen asked if there would be any traffic to her home, Ms. Nickerson replied no.

Mr. Steven Thomas asked how items would be delivered to her home. Ms. Nickerson stated by United Postal Service.

Ms. Delayne Dean reminded Ms. Nickerson that she could only use one room in her home for this business and if her business grew too large she would have to find an alternative place of business, Ms. Nickerson acknowledged she understood.

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

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

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

#### **CASE NO. 4**

Application and appeal of Travez Mallard 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 car wash located at 200 Somerville Rd SE, Apt B 12, property is located in a R-4 Multi-Family Residential Zoning District.

Mr. Travez Mallard presented this case to the Board. Mr. Mallard stated his address was 200 Somerville Rd SE Apt B 12. Mr. Mallard stated he would like to have an administrative office in his home for his mobile car wash business.

Mr. Steven Thomas asked if his car washing would be waterless. Mr. Mallard stated yes that it was waterless.

Ms. Delayne Dean asked Mr. Mallard if he had any employees. Mr. Mallard stated yes. Ms. Delayne Dean reminded Mr. Mallard that it was OK to have employees however, they could not come to his home to report to work, Mr. Mallard understood.

Ms. Delayne Dean reminded Mr. Mallard that he could not have his home address on any type of advertising, Mr. Mallard understood.

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

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

Application and appeal of Detrus Dobbins 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 car detailing business located at 4801 Joe Davis Dr., property is located in an AG-1 Agricultural Zoning District.

Mr. Detrus Dobbins presented this case to the Board. Mr. Dobbins stated his address was 4801 Joe Davis Dr. SW. Mr. Dobbins stated he would like to have an administrative office in his home for his mobile car wash business. Mr. Dobbins stated he has had a license before but he has moved and now needs to obtain a new license.

Mr. Steven Thomas asked Mr. Dobbins if his mobile car wash used water or was waterless. Mr. Dobbins replied he used water.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Mr. Steven Thomas motioned to approve this case as submitted. Mr. Collis Stevenson second the motion. On a roll-call vote the motion passed.

## **CASE NO. 6**

Application and appeal of Emilio Machado 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 video production business located at 2905 Winfrey Dr. S.W., property is located in a R-2 Single Family Zoning District.

Mr. Emilio Machado presented this case to the Board. Mr. Machado stated his address was 2905 Winfrey Dr. SW. Mr. Machado stated he would like to use one room in his home for his video production business.

Mr. Steven Thomas asked about the type of videos he would be producing. Mr. Machado stated he would video weddings, commercials and life events. His work requires him to work away from the home and he only edits the videos at the home and other events. The customers then view the productions on-line. Mr. Machado stated that no one comes to the home.

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

Mrs. Karen Smith, Planning Department, asked Mr. Machado about the equipment he used. Mr. Machado stated he had tripods, lens, cameras and microphones. Mr. Machado stated all of his equipment fits into his vehicle or in a room in his house.

Mrs. Karen Smith, Planning Department, recommended approval.

Ms. Lavone Benton, 2416 Duncansby Dr. SW, questioned about people coming to the home. Mr. Machado reassured Ms. Benton that no one would be coming to the home. Ms. Benton understood and was satisfied with Mr. Machado's answer. Ms. Benton asked the Board if this case was approved would this mean other businesses could move into the neighborhood.

Ms. Susana Salcido reassured Ms. Benton that even though this is a business it is only for administrative purposes only.

Mr. Chip Alexander, Asst. City Attorney told Ms. Benton if she ever she notices a lot of traffic coming or going it should be reported to the Building Department. If the administrative office is not what was portrayed today the Board's approval can be reversed.

Ms. Delayne Dean also stated that before anyone else in the neighborhood could have a business they would have to go through the same process and be approved through the Board.

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

## **CASE NO. 7**

Application and appeal of Natasha McCrary dba 1818 Farms LLC, for determination as a use permitted on appeal as allowed in Section 25-113 in order to have a temporary business to sell cut flowers and plants at 502 and 504 Bank St. N.E., property located in a B-5 Central Business Zoning District.

Ms. Natasha McCrary presented this case to the Board. Ms. McCrary stated her address was 4845 High Street, Mooreseville, Al. Ms. McCrary stated she wanted to obtain a temporary occupancy business to sell plants and cut flowers. She will be selling flowers from a truck in the parking lot behind 502 and 504 Bank St NE. The parking lot belongs to Tammy Eddy and she has given permission.

Mr. Collis Stevenson asked if 1818 was part of the address or part of the business name. Ms. McCrary stated that was the name of the business.

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

Mrs. Karen Smith, Planning Department, recommended approval.

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

## **CASE NO. 8**

Application and appeal of Pugh Wright McAnally, Inc. as a use permitted on appeal as specified in Section 25-12.2 seeking approval to construct a single family home at 2735 Old Moulton Road SW, property is located in an I-D Institutional District.

Mr. Blake McAnally, 310 8<sup>th</sup> AV NE, presented this case to the Board. Mr. McAnally stated he was the representative for Mr. Vernon Lane. Mr. McAnally stated Mr. Lane wanted to build a single-family home on the land for his personal use. The property has been zoned institutional for many years.

Ms. Delayne Dean asked Mr. McAnally if a single family detached home is what they are asking for on this parcel of property. Mr. McAnally stated yes.

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

Mrs. Karen Smith, Planning Department, recommended approval.

Mr. Steven Thomas motioned for approval with the condition that a single family detached home was to be built on this property. Mr. Collis Stevenson seconded the motion. On a roll-call vote the motion passed.

## **CASE NO. 9**

Application and appeal of Pugh Wright McAnally, Inc. for a 6 foot rear yard setback variance located at 2406 Hideaway Place S.E from Section 25-10.8 (2)(d)., property is located in a R-1 Single Family Residential Zoning District.



Mr. Blake McAnally, 310 8<sup>th</sup> Av NE, presented this case to the Board. Mr. McAnally was representing the home owner of 2406 Hideaway Place SE. Mr. McAnally presented the Board with an aerial view showing the proposed home of Jason and Jo Terri Wright owners of the property. The aerial view shows lot 8 where the house will be located. A 6 foot rear yard variance is requested in order to construct a back porch extending across the back of the home.

Mr. McAnally states the hardship is construction of the street is not in the center of the right of way.

Ms. Delayne Dean verifies that the property backups to the wildlife refuge. Mr. McAnally agrees.  
Mr. Bob Sims, Building Department, has no comment

Mrs. Karen Smith, Planning Department, recommends approval.

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

The meeting adjourned at 4:30 p.m.

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Delayne Dean  
Acting Chairman



**MARCH 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, March 26, 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 Joey Jones 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 Hernandez Crawlspace Repair located at 1510 19<sup>th</sup> Av. SE Apt 209, property located in an R-4 Multi-Family Residential Zoning District.

**CASE NO. 2**

Application and appeal of Sonia Ramirez 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 B & B Tree Service located at 1402 Puckett Av. SE, property located in a R-2 Single-Family Residential Zoning District.

**CASE NO. 3**

Application and appeal of Pamela M. Mathis 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 crafting and jewelry business located at 412 Tammy St. SW, property located in a R-4 Multi-Family Residential Zoning District.

**CASE NO. 4**

Application and appeal of Olivia Hernandez Torres for a determination as a use permitted on appeal as allowed in Section 25-10 and defined in Article VI, as amended and adopted, of the Zoning Ordinance in order to have a home catering business cooking and delivering food located at 2330 Spring Avenue SW, property is located in a R-2 Single-Family Zoning Residential District.

**CASE NO. 5**

Application and appeal of Sarah McClendon 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 on line clothing sales located at 1242 Beltline Rd SW Apt #303, property is located in a M-1A Expressway Commercial District.

**CASE NO. 6**

Application and appeal of Darrius 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 an administrative office for a lawn care business located at 2319 Kathy Lane SW, property is located in a R-2 Residential Single-Family Zoning District.

**CASE NO. 7**

Application and appeal of Teresa Faye Reynolds Satchel for 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 2601 Little John Street SW, property is located in a R-2 Residential Single-Family Zoning District.

**CASE NO. 8**

Application and appeal of Shunetta Roshel Garth 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 non-medical home health business located at 1233 Fremont Street SW, property is located in R-2 Single-Family Residential Zoning District.

**CASE NO. 9**

Application and appeal of Virginia and Gerald Harbin 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 on-line sales of miscellaneous goods located at 2008 College Street SE, property is located in a R-3 Single-Family Zoning District.

**CASE NO. 10**

Application and appeal of Gerald Fuller 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 service located at 3114 Battlement Road SW, property is located in a R-2 Single-Family Zoning District.

**CASE NO. 11**

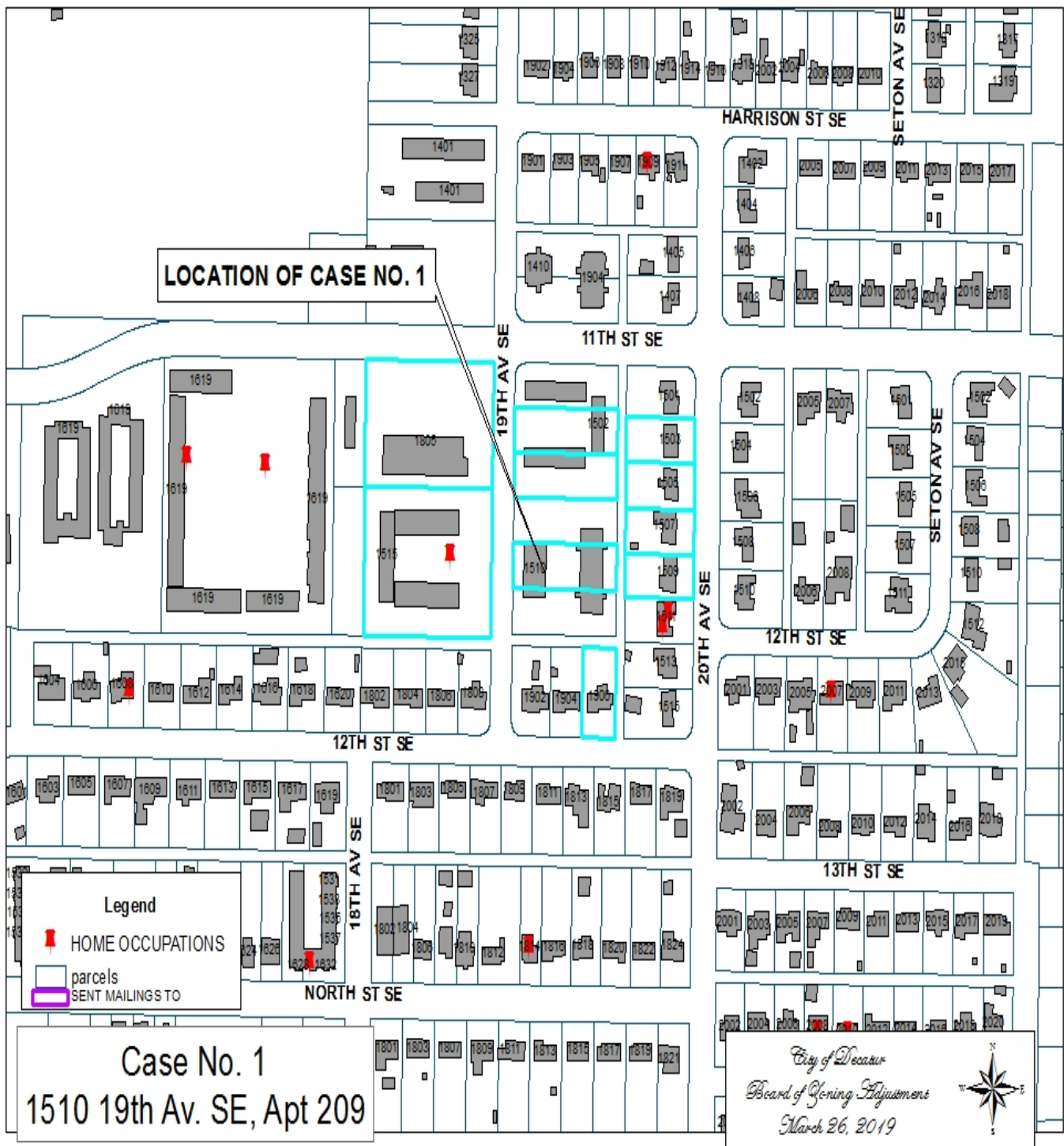
Application and appeal of John Wheat for a determination as a use permitted on appeal as allowed in Section 25-11 and as defined in Article I, as amended and adopted, of the Zoning Ordinance to have a Class 1 Restaurant located at 109 2<sup>nd</sup> Ave NE, property is located in a B-5 Central Business District.

**CASE NO. 12**

Application and appeal of Ronald Joe Wallace for a 3 foot eastside yard setback located at 2354 Tintagel Dr. SW from Section 25-10.3 (1) c property is located in a R-5 Single-Family Patio Home Residential Zoning District.

**CASE NO. 1 1510 19<sup>TH</sup> AV SE APT #209**

## **QUESTIONNAIRE**

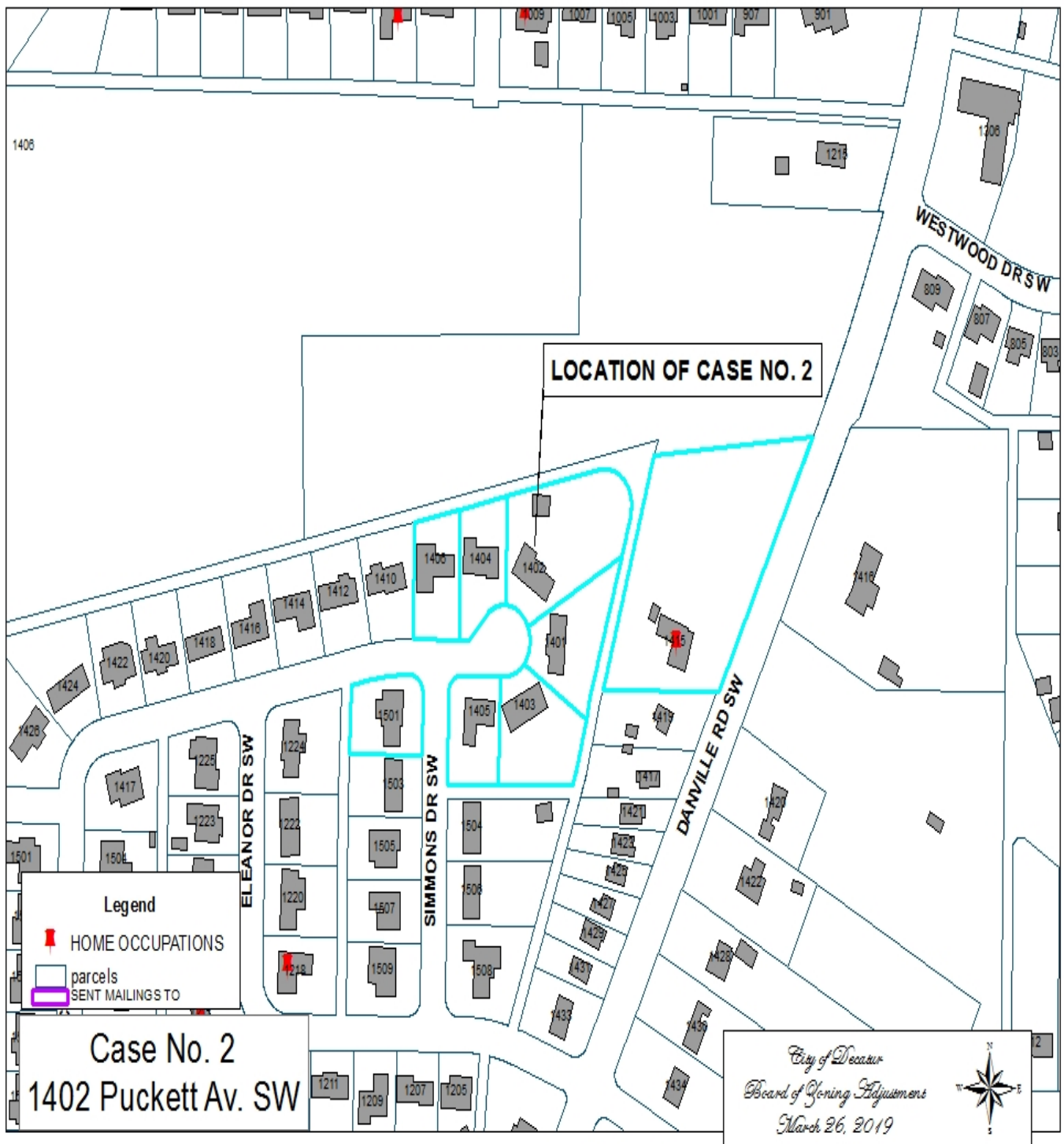


MAP



**CASE NO. 2 1402 PUCKETT AV SW**

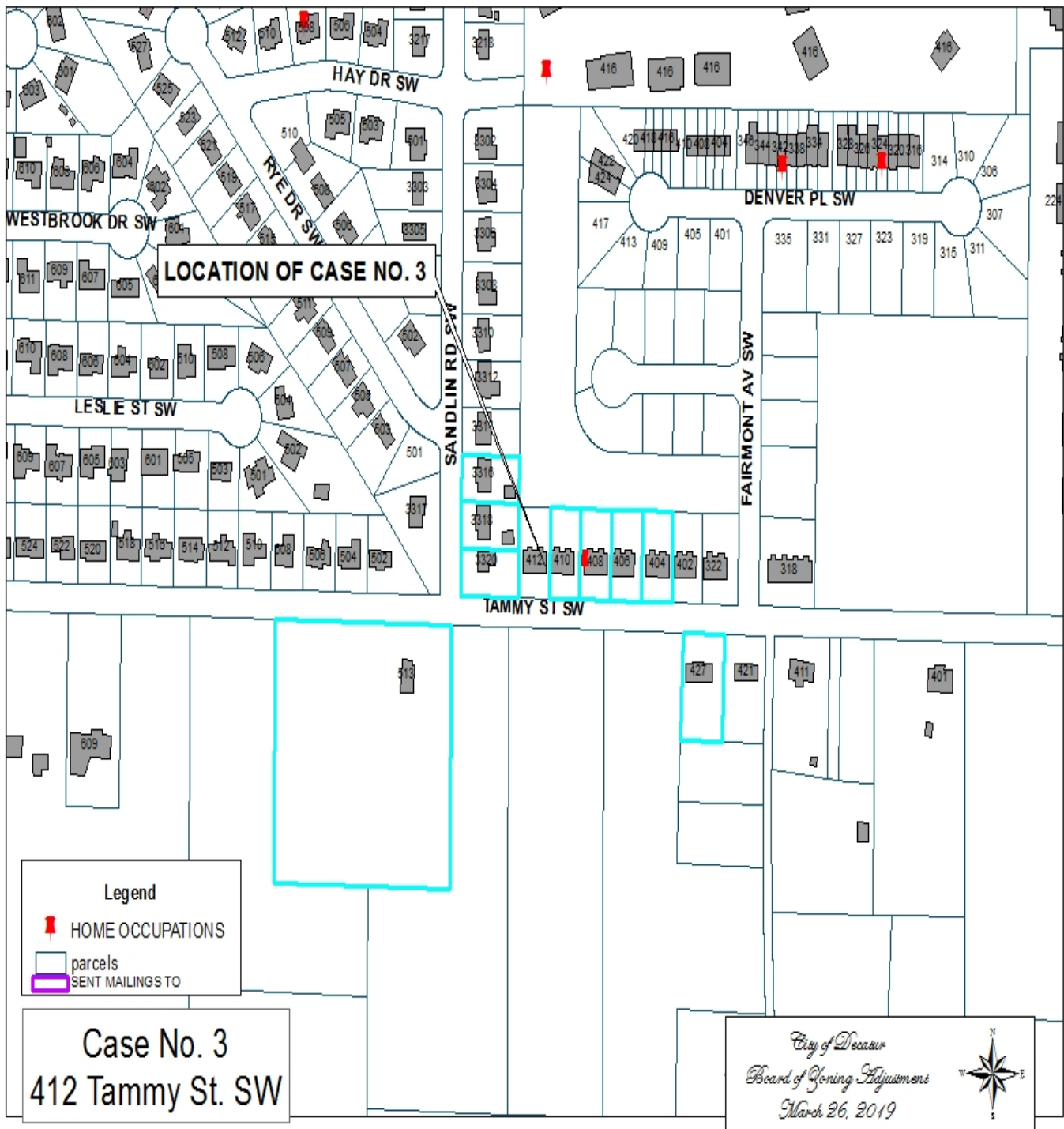
## **QUESTIONNAIRE**



## MAP

**CASE NO. 3 412 TAMMY ST SW APT # 3**

## **QUESTIONNAIRE**

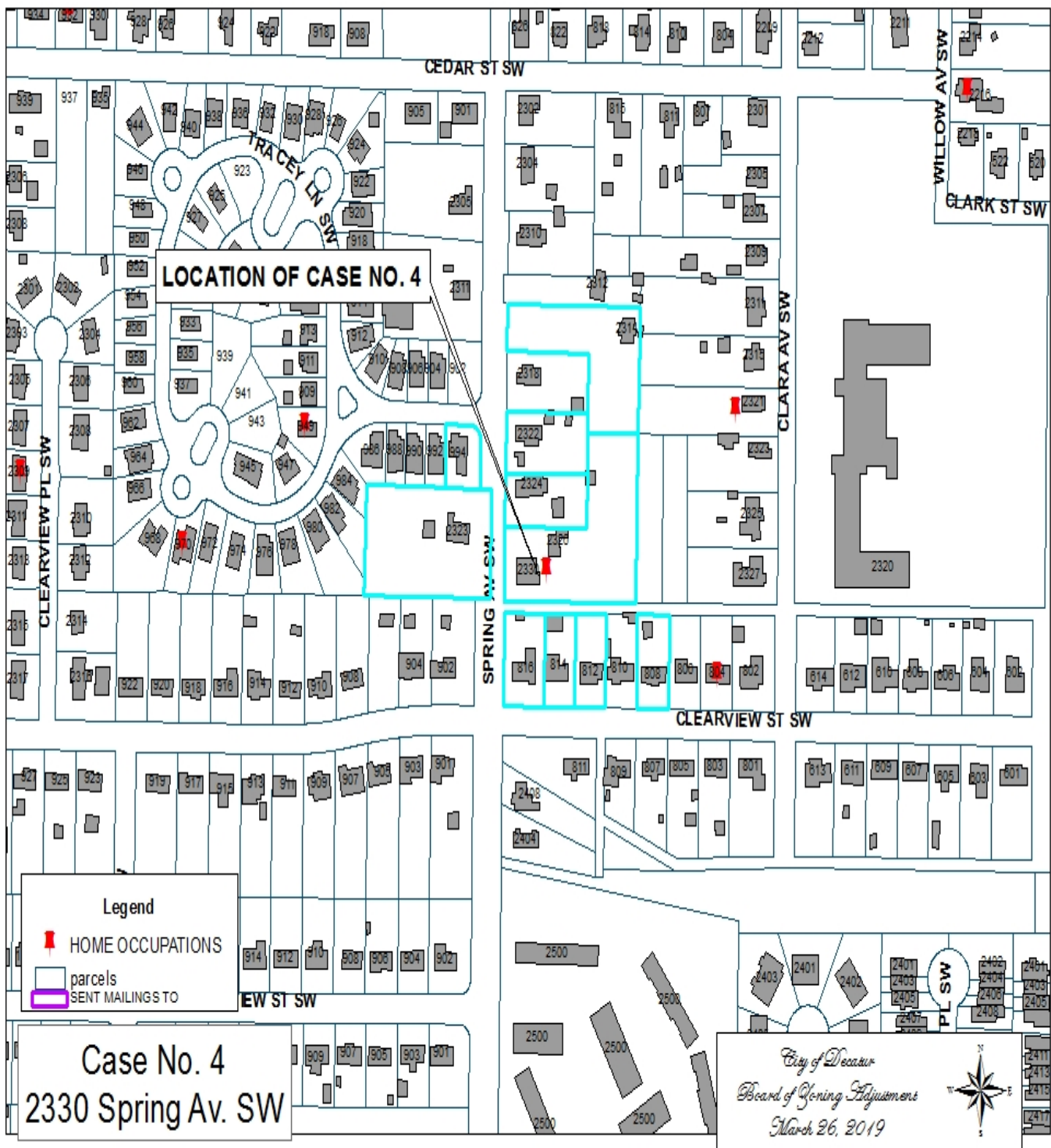


**CASE NO. 4 2330 SPRING AV SW**

## **QUESTIONNAIRE**



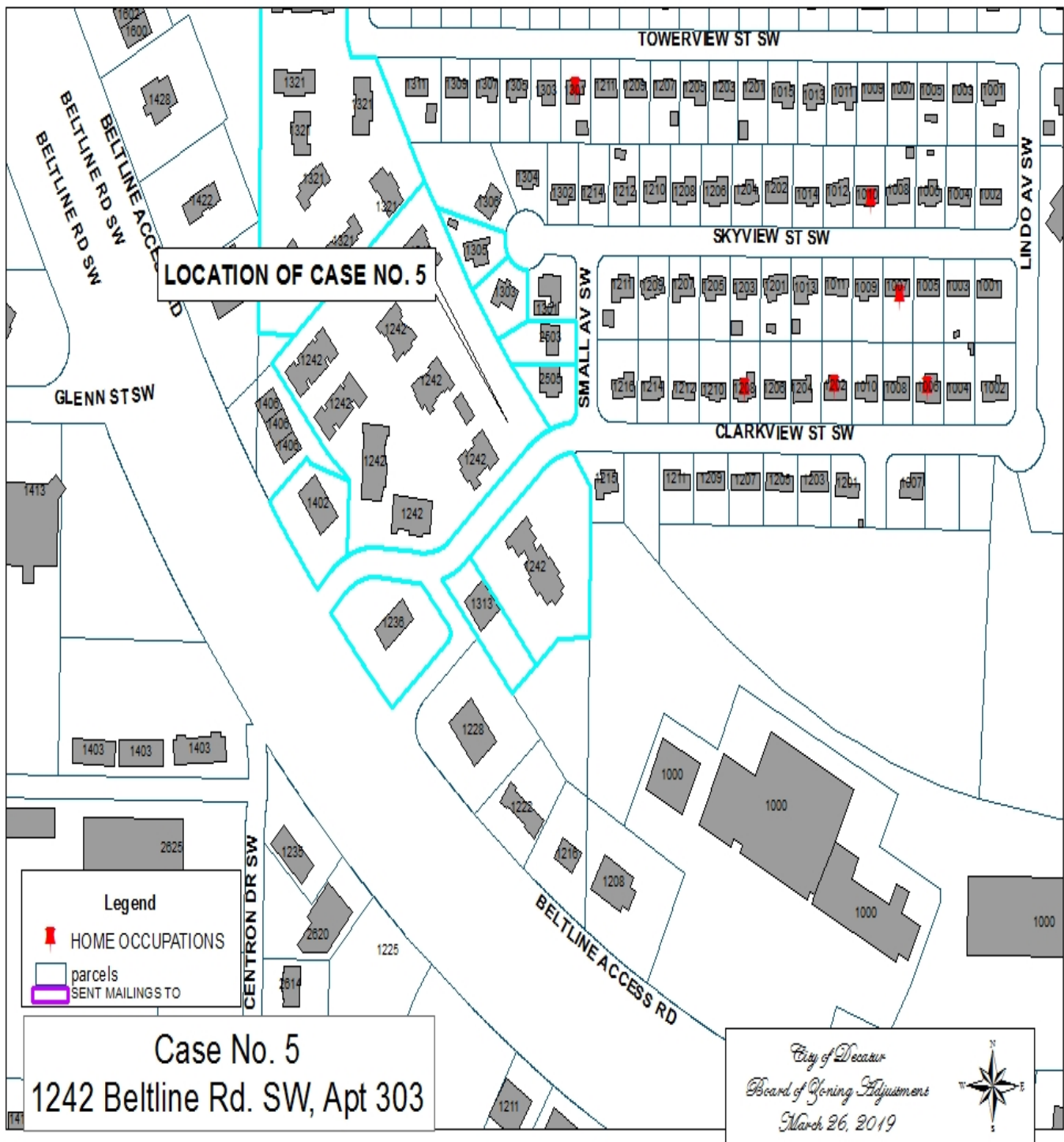




MAP

**CASE NO. 5 1242 BELTLINE RD SW APT #303**

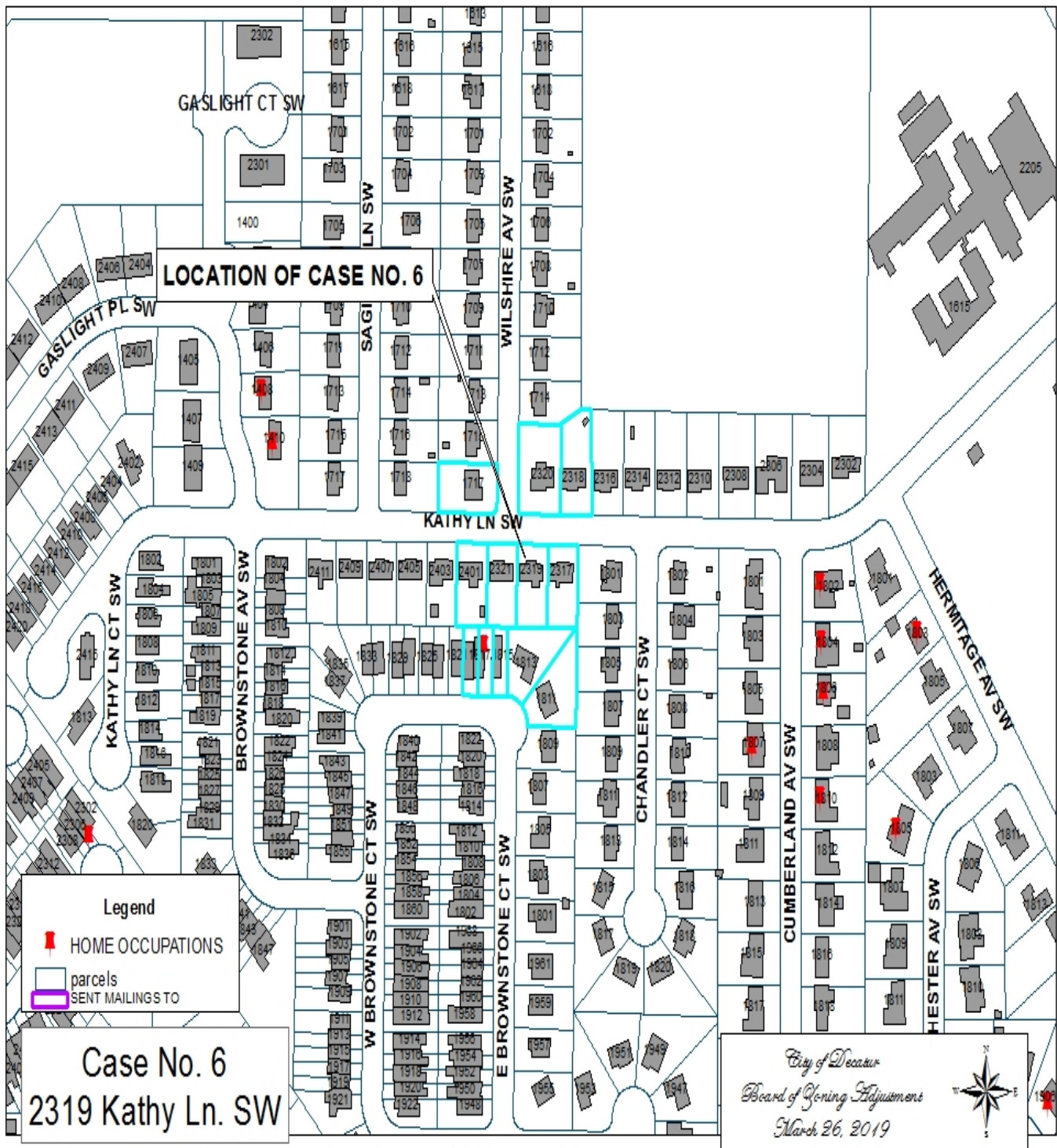
## **QUESTIONNAIRE**



MAP

**CASE NO. 6 2319 KATHY LN SW**

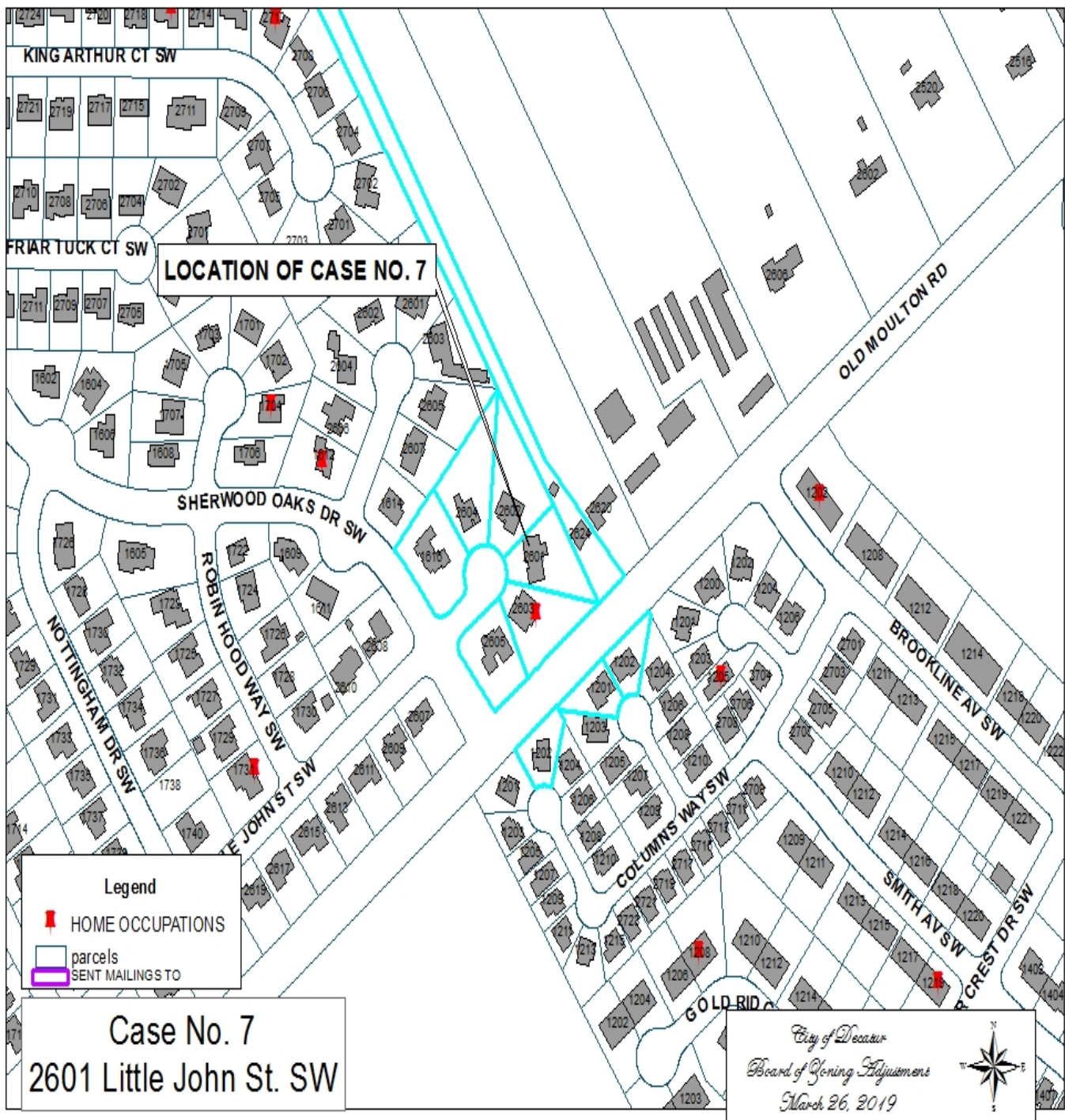
## **QUESTIONNAIRE**



MAP



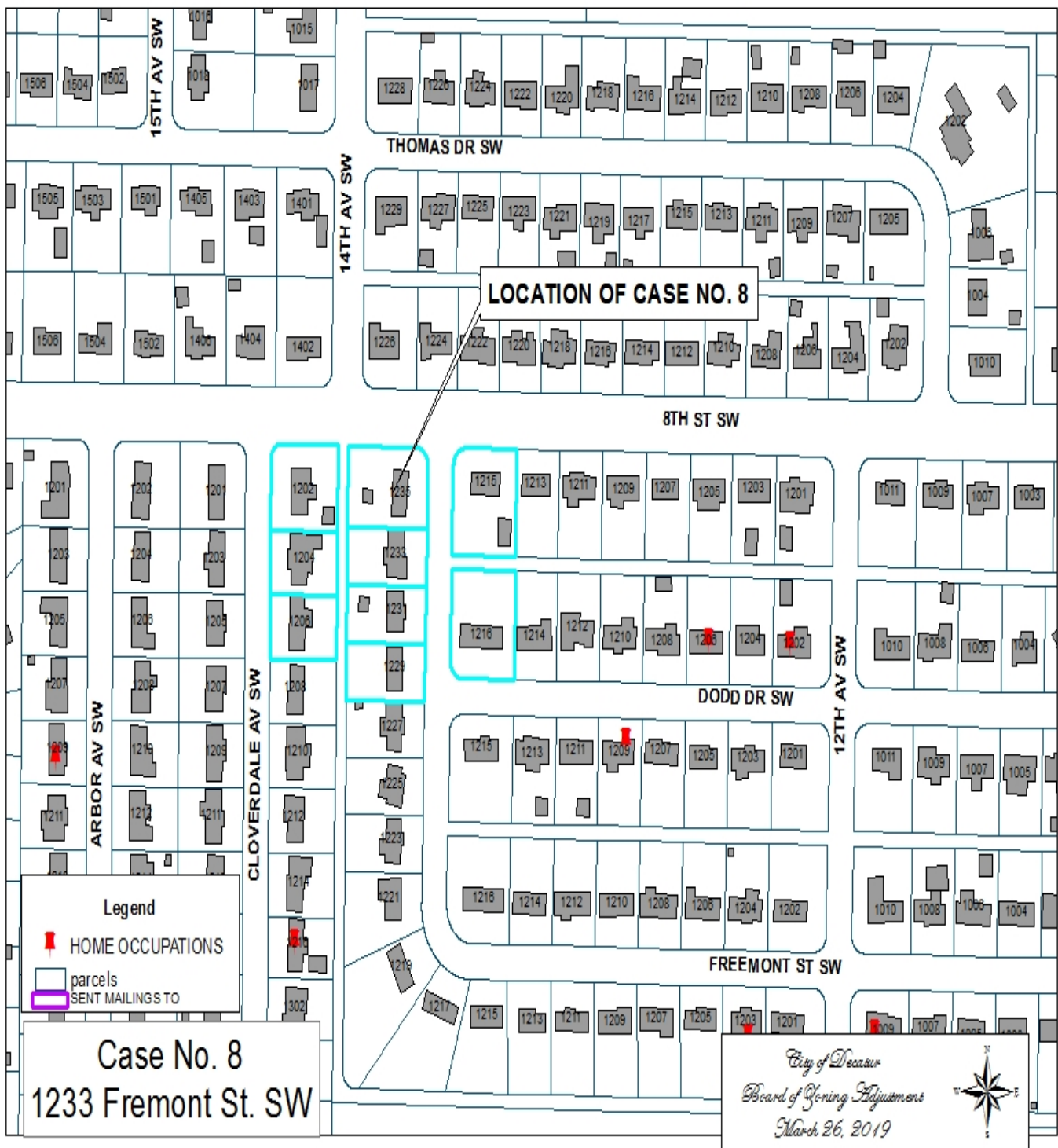
**CASE NO. 7 2601 LITTLE JOHN ST SW**



MAP

**CASE NO. 8 1233 FREMONT ST SW**

## **QUESTIONNAIRE**



**CASE NO. 9 2008 COLLEGE ST SE**

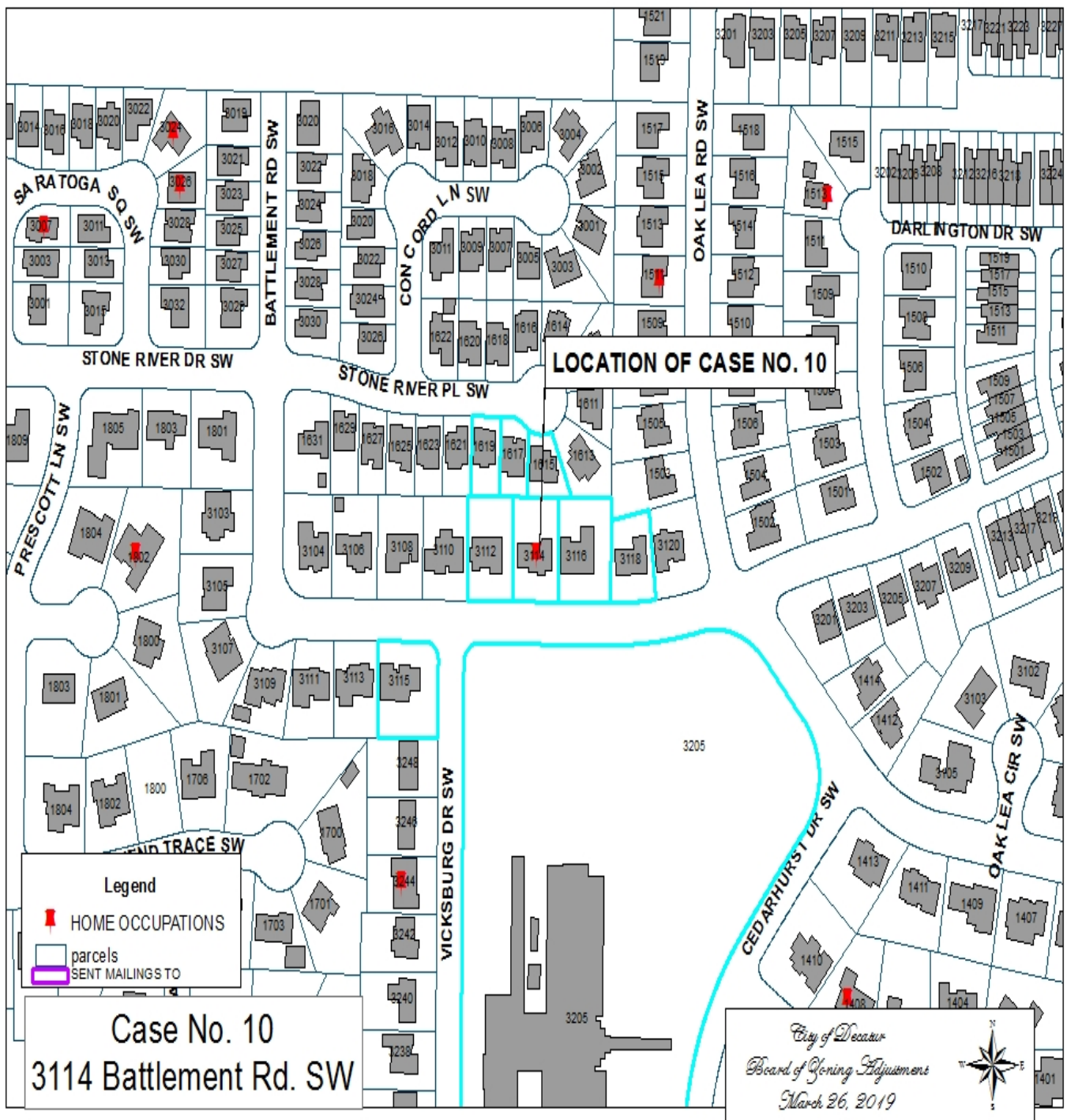
## **QUESTIONNAIRE**





**CASE NO. 10 3114 BATTLEMENT RD SW**

## **QUESTIONNAIRE**



MAP

**CASE NO. 11 109 2<sup>ND</sup> AV NE**

## **APPLICATION INSTRUCTIONS**

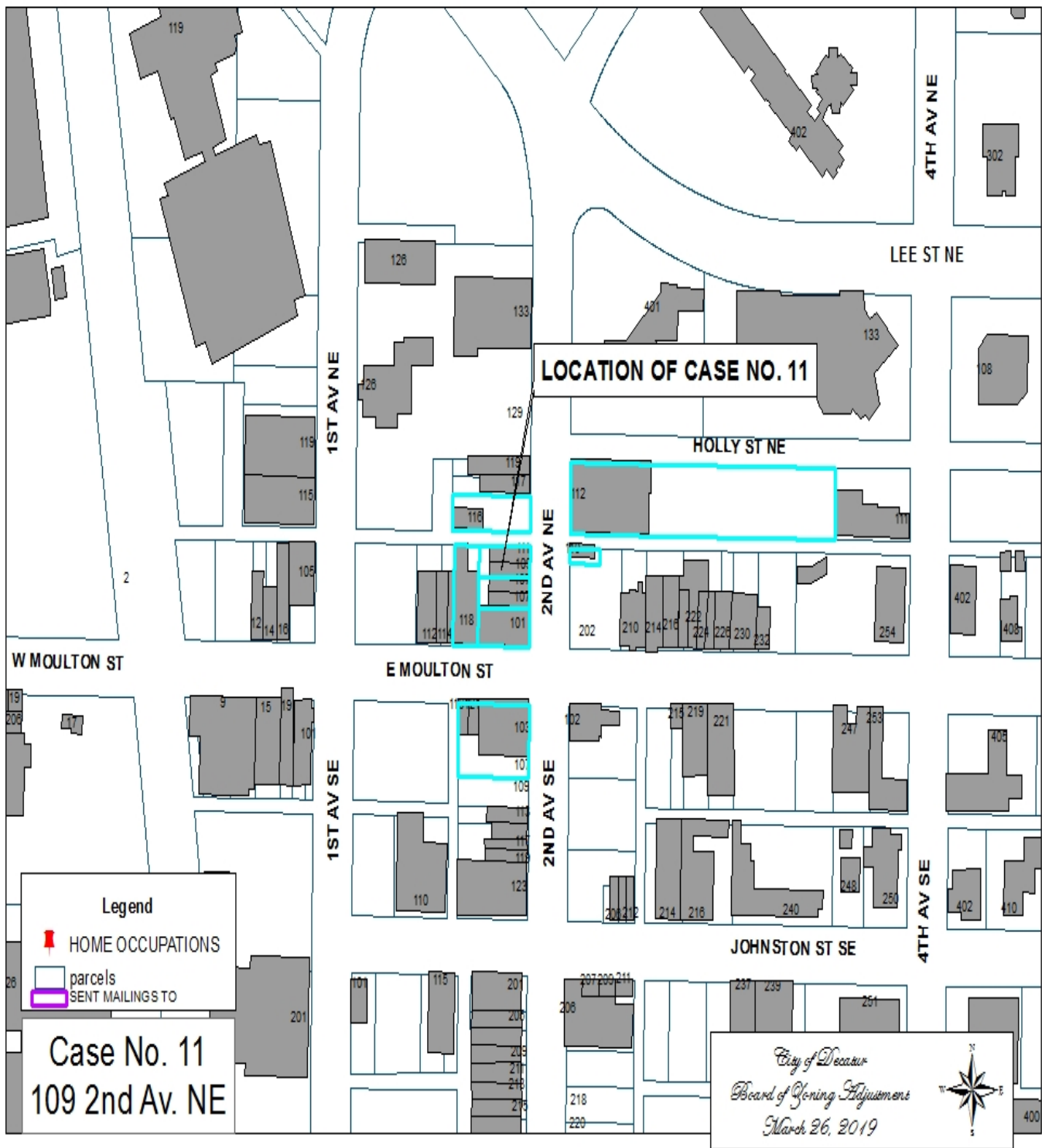
**CLASS 1 RESTAURANT APPLICATION**

**CURRENT SITE PLAN**

**NEW PROPOSED SITE PLAN**



**AERIAL VIEW**



MAP

**ORDINANCE PG.1**

**ORDINANCE PG. 2**

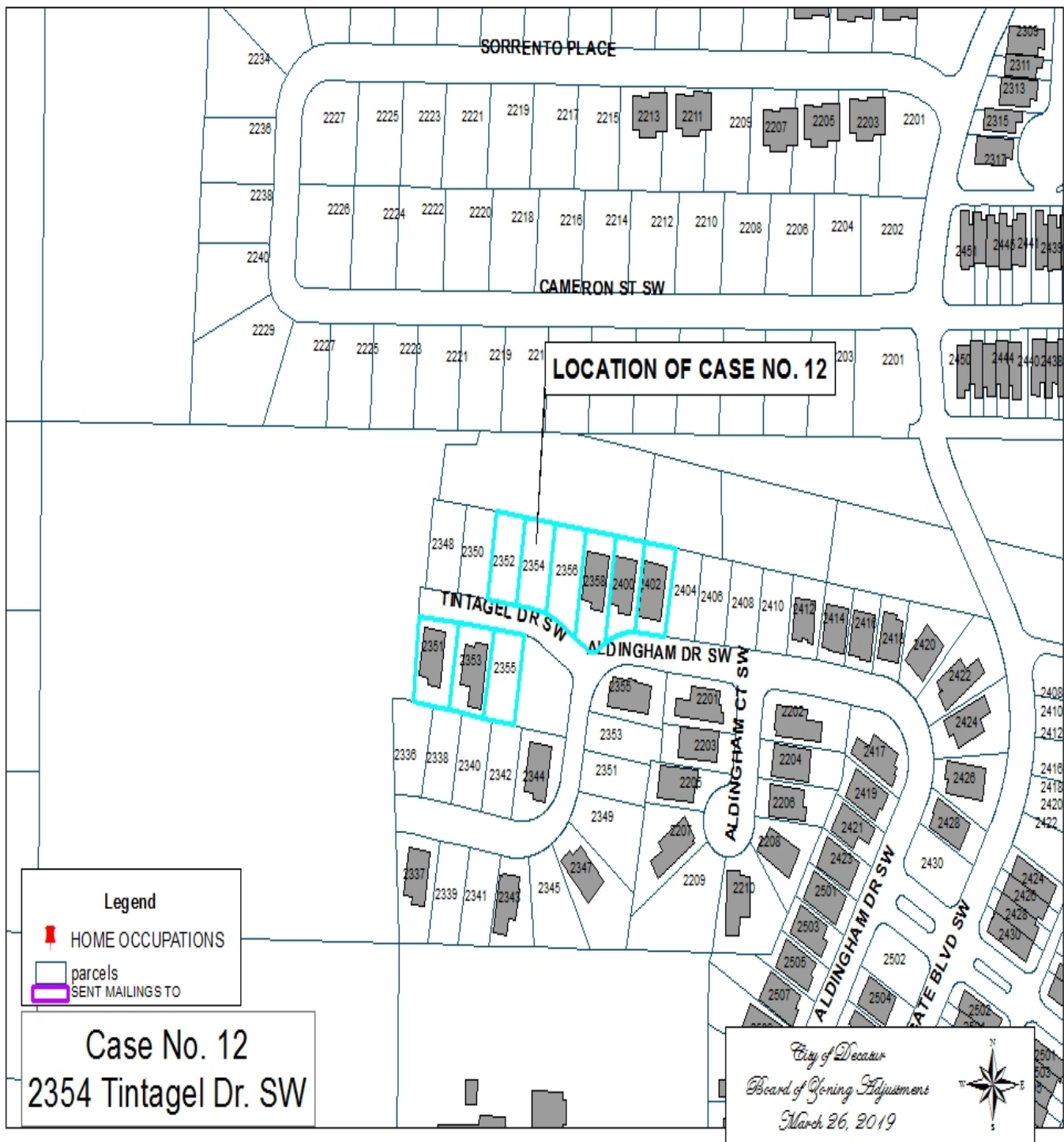
**ORDINANCE PG. 3**

**CASE NO 12 2354 TINTAGEL DR SW**

## **SURVEY**







MAP