



BOARD OF ZONING ADJUSTMENT

AGENDA

FEBRUARY 2019

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MINUTES JANUARY 2019

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

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

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

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 November meeting were approved without any changes. Mr. Collis Stevenson motioned to approve the minutes. Ms. Delayne Dean seconded the motion. On a voice vote the motion carried.

Each applicant stated their name and address before presenting their case to the Board.

CASE NO. 1

Application and appeal of Apryl Botto 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 rebar installation company located at 1520 Southampton Ct SE, property is located in a PRD-6 Planned Residential Development Zoning District.

Ms. Apryl Botto presented this case to the Board. Ms. Botto stated she would like to have an administrative office for a rebar installation company.

Chairman Taylor asked if she had any employees. Ms. Botto yes she would have employees however, they would not come to her home that she would be using the home strictly for administrative work.

Mr. Collis Stevenson asked about the size of rebar that would be sold. Ms. Botto replied it could be any size depending on the customer's needs it would all be commercial grade.

Chairman Taylor asked where the rebar would be kept. Ms. Botto stated her company would provide labor only the rebar would be kept on the job site.

Chairman Taylor told Ms. Botto that there could not be any signs in her yard, Ms. Botto understood.

Ms. Susana Salcido asked about employees coming to the home. Ms. Botto stated no one would come to her home.

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

Mrs. Karen Smith, Planning Department, asked if there would be any equipment. Ms. Botto stated there is not any equipment, it is truly manual labor twist ties are used to hold the rebar.

Mr. Collis Stevenson moved 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 Don Lovett 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 mowing business located at 410 Autumnwood Dr. S.W., property is located in a R-6 Residential Single-Family Semi-Attached Zoning District.

Mr. Don Lovett presented this case to the Board. Mr. Lovett stated he would like to have an office in his home for his lawn cutting business. Mr. Lovett stated he only cut 3 yards in his neighborhood for some elderly residents who are not able to cut their own grass. Mr. Lovett stated he did not store anything but 3 gallons of gasoline. If any type of fertilizer or weed killer was needed those item are stored in the residents own home.

Mr. Collis Stevenson asked if he had any employees. Mr. Lovett stated “no”.

Chairman Taylor asked was there a storage building where he kept his supplies. Mr. Lovett stated the storage building was behind his house and he only kept his lawn mower and 3 gallons of gasoline in there.

Ms. Susana Salcido asked if he had any help. Mr. Lovett stated he did all of the work by himself.

Chairman, Charles Taylor read a letter from Mr. Robert A. Clem, 408 Autumnwood Dr S.W...Mr. Clem stated in the letter if approved he would asked that Mr. Lovett have to store his supplies such as gasoline and fertilizer off site for fear of an explosion. Mr. Lovett stated he did not store any fertilizer in his storage building and the most gasoline he would have at any given time would be 3 gallons.

Chairman Charles Taylor stated the concerns from Mr. Clem had been answered.

Ms. Delayne Dean reiterated that Mr. Lovett only had a 3 gallon gas can. Mr. Lovett stated yes.

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

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

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

CASE NO. 3

Application and appeal of Teresa Dotson 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 1226 North St. S.E., property is located in a R-4 Residential Single-Family Zoning District.

Ms. Teresa Dotson presented this case to the Board. Ms. Dotson stated she would like to have an administrative office for her commercial cleaning business.

Ms. Delayne Dean asked if she would have any employees. Ms. Dotson stated “no”.

Mr. Collis Stevenson asked if she did any in home cleaning. Ms. Dotson replied only commercial cleaning.

Chairman Charles Taylor asked about the storage of supplies. Ms. Dotson replied the clients would furnish all of their own supplies and kept on site.

Ms. Delayne Dean reminded Ms. Dotson if she did acquire employees they could not come to her home they would have to meet at the job site. Ms. Dotson understood.

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

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

Ms. Susana Salcido 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 James L. Bell for an administrative decision of the Building Official as allowed in Section 25-2(1) of the Zoning Ordinance to construct a pole barn in the side yard located at 3413 Cedarhurst Dr. S.W., property is located in a R-3 Single-Family Zoning District.

Mr. Jason Bell presented this case to the Board. Mr. Bell stated he had purchased the lot next door and consolidated the 2 lots and would like to put a workshop/pole barn in his yard. Mr. Bell had pictures he presented to the Board. Mr. Bell stated that the building would not be visible from the road, except when all of the leaves are off of the trees the top of the building would be visible.

Mr. Bell stated that the reason he was asking for a variance to locate a pole barn in the side yard.

Chairman, Charles Taylor stated that accessory structures are to be located behind the rear of the house and asked Mr. Bell if he was saying that the lot crests and then slopes. And the hardship itself is the topography of the land. Mr. Bell agreed.

Rev, Allen inquired if the property Mr. Bell purchased was adjacent to the rear of his original property. Mr. Bell replied that it was to the side of the property. Mr. Bell stated that the structure would have to be in accordance with the neighborhood covenants.

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

Mrs. Karen Smith, Planning Department, stated this hardship was similar to a hardship which had been approved in the past and with that in mind she would recommend approval.

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

CASE NO. 5 Deferred to February

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 a directional sign at 1203 6th Av. S.E., property is located in a RD Re-Development Zoning District.

This case was deferred until February due to winter weather.

CASE NO. 6

Application and appeal of Rose Elliott for a use permitted on appeal from Section 25-95(a) of the Zoning Ordinance in order to have a day care for children from 6 a.m. until 7 p.m. at 1605 8th St. S.W., property located in a R-2 Residential Single-Family Zoning District.

Ms. Elliott presented this case to the Board. Ms. Elliott stated she was requesting a license to open a home day care at her home.

Chairman, Charles Taylor stated that DHR has to actually approve the licensing of the daycare after this Board makes their recommendation. Ms. Elliott understood.

Chairman Charles Taylor stated the hours requested for operation, parking details and which part of the house would be used as the actual daycare. Chairman, Charles Taylor also stated the application reads that there are not any dogs or any pools on the property and that the yard is fenced. Ms. Elliott agreed.

Ms. Delayne Dean asked if parking was just for drop off and pick up. Ms Elliott stated that was correct.

Ms. Susana Salcido asked if there was actual parking on 8th St. Ms. Elliott stated just for drop off and pick up.

Rev. Allen asked Ms. Elliott the height of the fence. Ms Elliott stated taller than herself.

Mr. Bob Sims, Building Department, deferred any questions to Planning Department.

Mrs. Karen Smith, Planning Department, reminded Ms. Elliott that the children would need to be dropped off and picked up by means of the driveway since 8th St is defined as a collector street. Mrs. Smith stated she would recommend approval as long as the condition was made to drop off and pick-up the children in the driveway. Ms. Elliott said she understood.

Ms. Delayne Dean motioned to approve this case with the condition that the drop off and pick- ups would need to be in the driveway. Mr. Collis Stevenson seconded the motion. On a roll call vote the motion carried.

CASE NO. 7

Application and appeal of John Mitchell for the following two 5 foot setback variances at Mitford Place Subdivision S.W., property is located in a R5-0 Residential Single-Family Patio Home Zoning District.

A) 5 foot setback variance from Section 25-10.5 (2)(f) of the Zoning Ordinance at lots 13,14,15,17,18 located on Hempstead Av. S.W.

B) 5 foot setback variance from section 25-10.5 (1)(c) of the Zoning Ordinance at lots 12 located on Covina Dr. S.W.

Mr. John Mitchell presented this case to the Board. Mr. Mitchell stated the lots have a zero lot line which allows construction on the lot line. If construction were to take place on the lots as they are now the overhang from one residence could actually hang over into the neighbor's yard.

Mr. Mitchell stated he was trying to get a 5 foot side yard setback on each side of the lots.

Mr. Mitchell stated that the zoning as it is today would allow the over hangs from each house to hang over into the neighbor's property. If construction were to take place on the lots as they are now the overhang from one residence could actually hang over into the neighbor's yard.

Chairman, Charles Taylor stated that the plans submitted to the Building Department show zero lot lines and asked if that was correct.

Mr. Mitchell stated yes however, he has submitted a re-plat to the Planning Department and they are working on getting it approved and recorded. Mr. Mitchell had a copy of the new plat and offered to show it the t Board, Chairman, Charles Taylor stated that was not necessary.

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

Mrs. Karen Smith, Planning Department, asked the Board to make the approval of the plat a requirement in the motion because the way R5-Zero is written the building setbacks are required to be shown on the plat. At this time the plat is showing one set of building setbacks. The new plat should show side yard setback based on the variance. The Planning Commission meets on February 19, 2019. Once those conditions are met it can be recorded. They may approve the plat as submitted or place some conditions on the approval.

Ms. Delayne Dean motioned to approve this case with the requirement that the new plat is approved and recorded. Mr. Collis Stevenson seconded the motion. On a roll call vote the motion carried.

The meeting adjourned at 4:30 p.m.

Chairman, Charles Taylor

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FEBRUARY 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, February 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—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 6th Av. S.E., property is located in a RD Re-Development Zoning District.

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 8th Av SE, property is located in a R-3 Single-Family Residential Zoning District.

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.

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.

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.

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.

CASE NO. 7

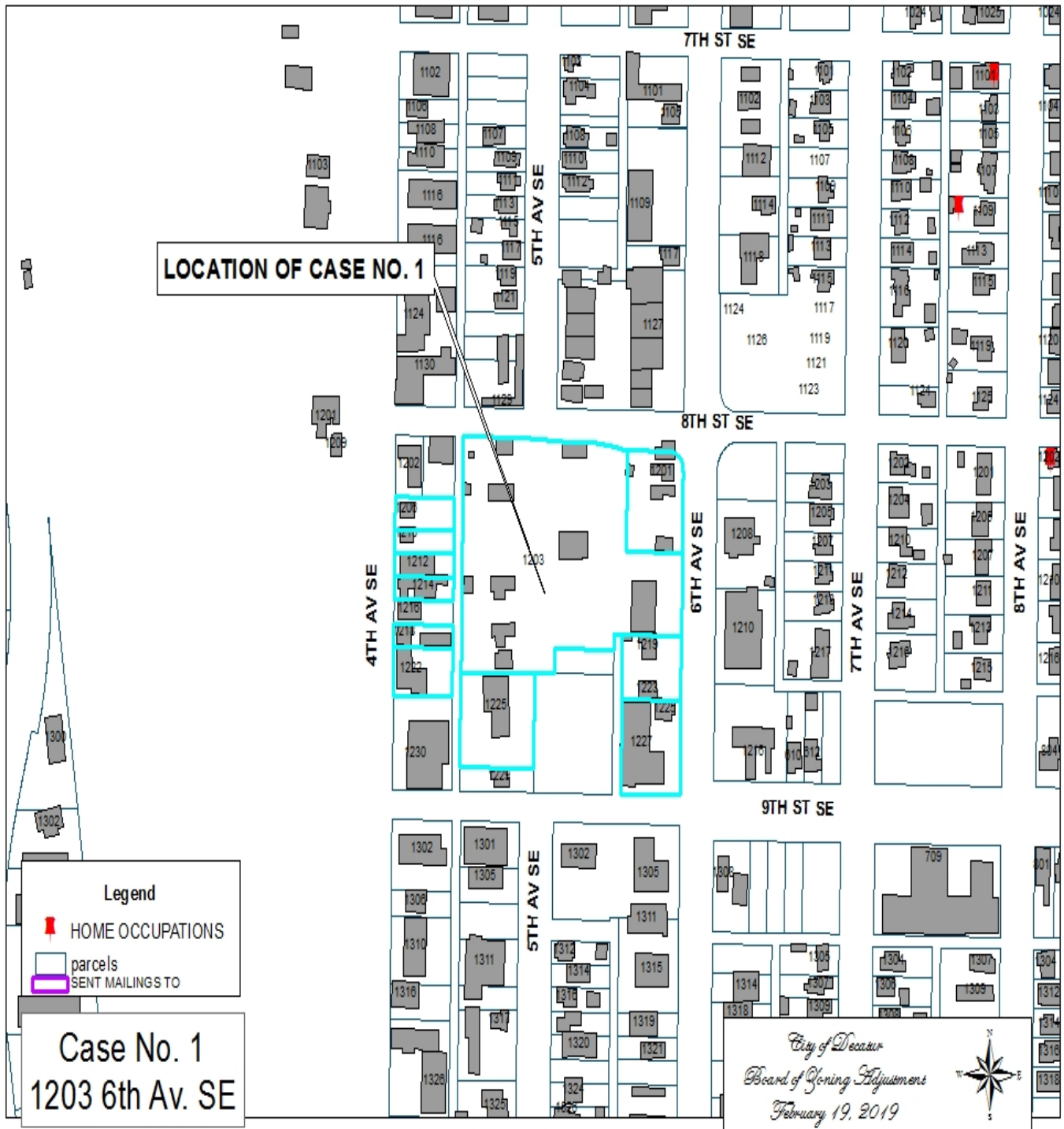
Application and appeal of Natasha McCrary dba 1818 Farms LLC, for determination as a use permitted on appeal as allowed in Section 25-113 in order to have a temporary business to sell cut flowers and plants at 502 and 504 Bank St. N.E., property located in a B-5 Central Business Zoning District.

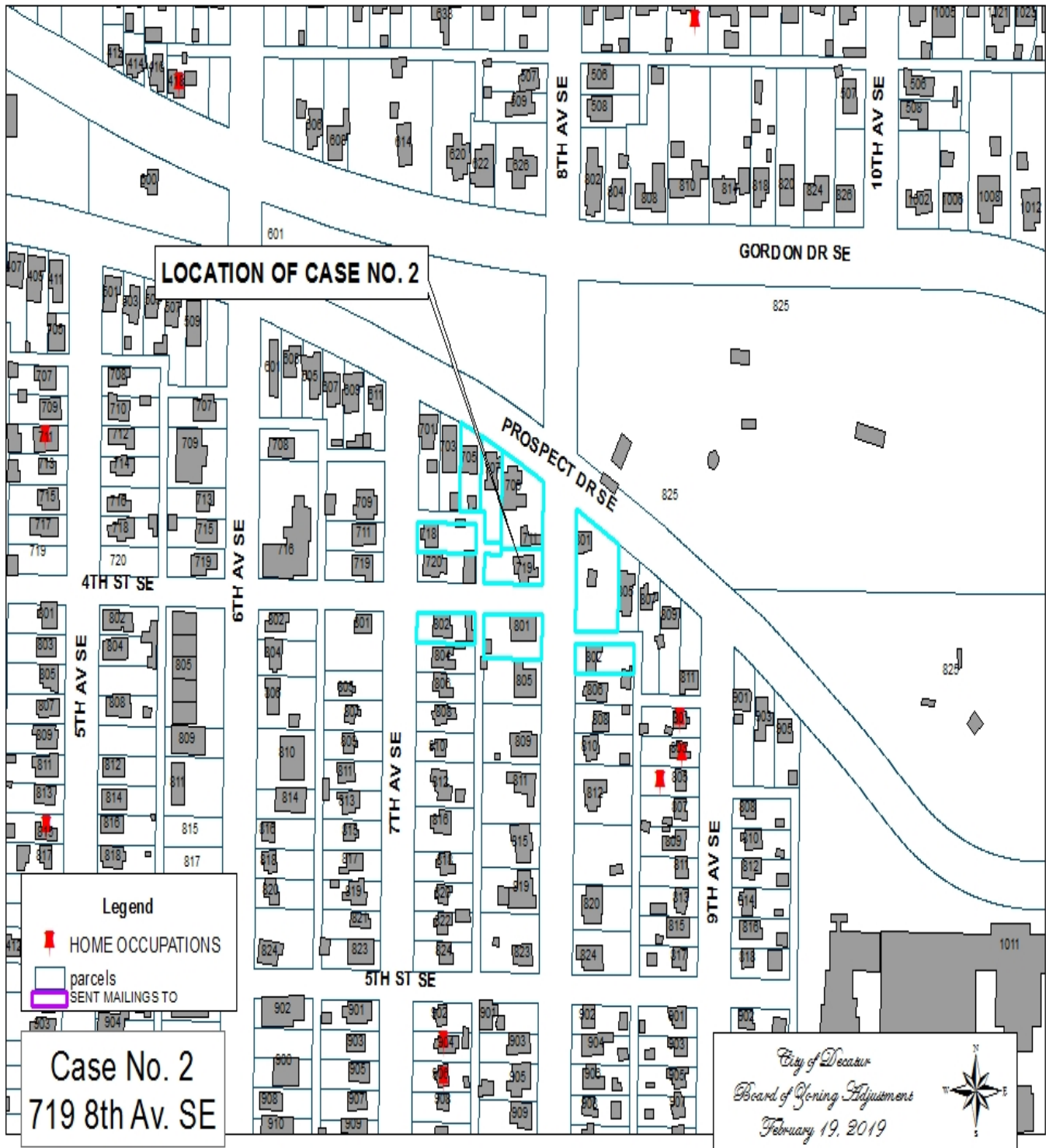
CASE NO. 8

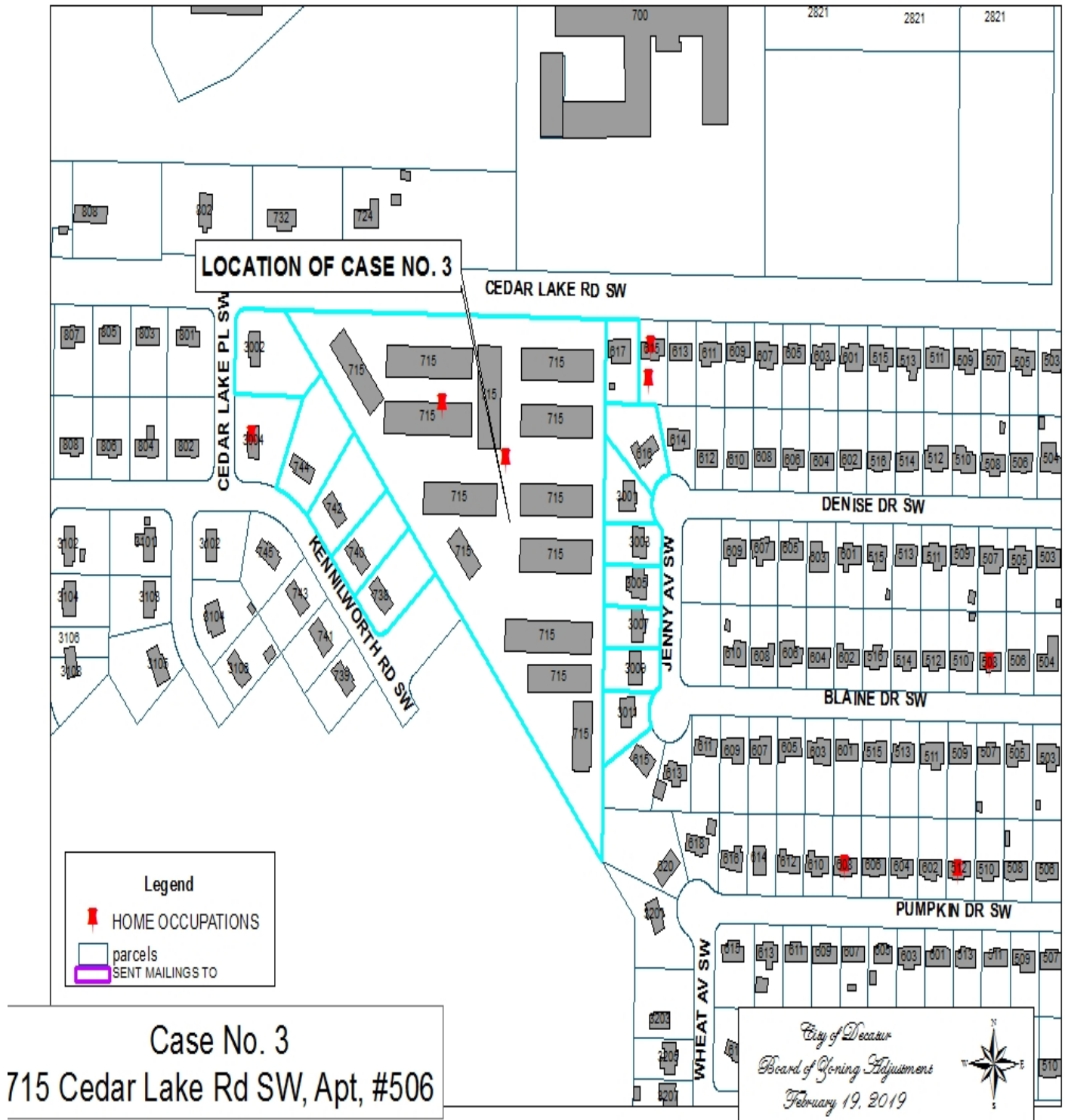
Application and appeal of Pugh Wright McAnally, Inc. as a use permitted on appeal as specified in Section 25-12.2 seeking approval to construct a single family home at 2735 Old Moulton Road SW, property is located in an I-D Institutional District.

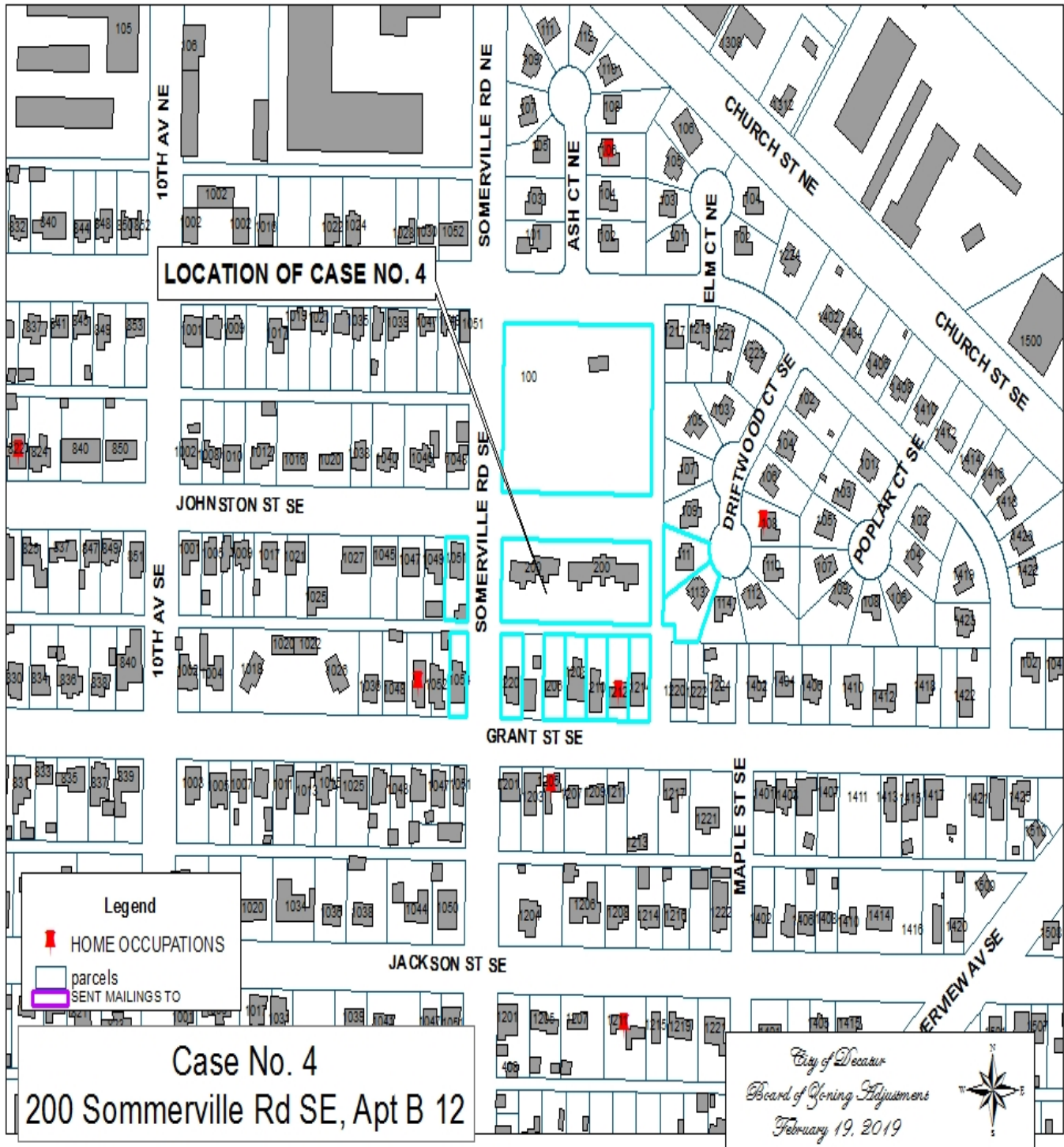
CASE NO. 9

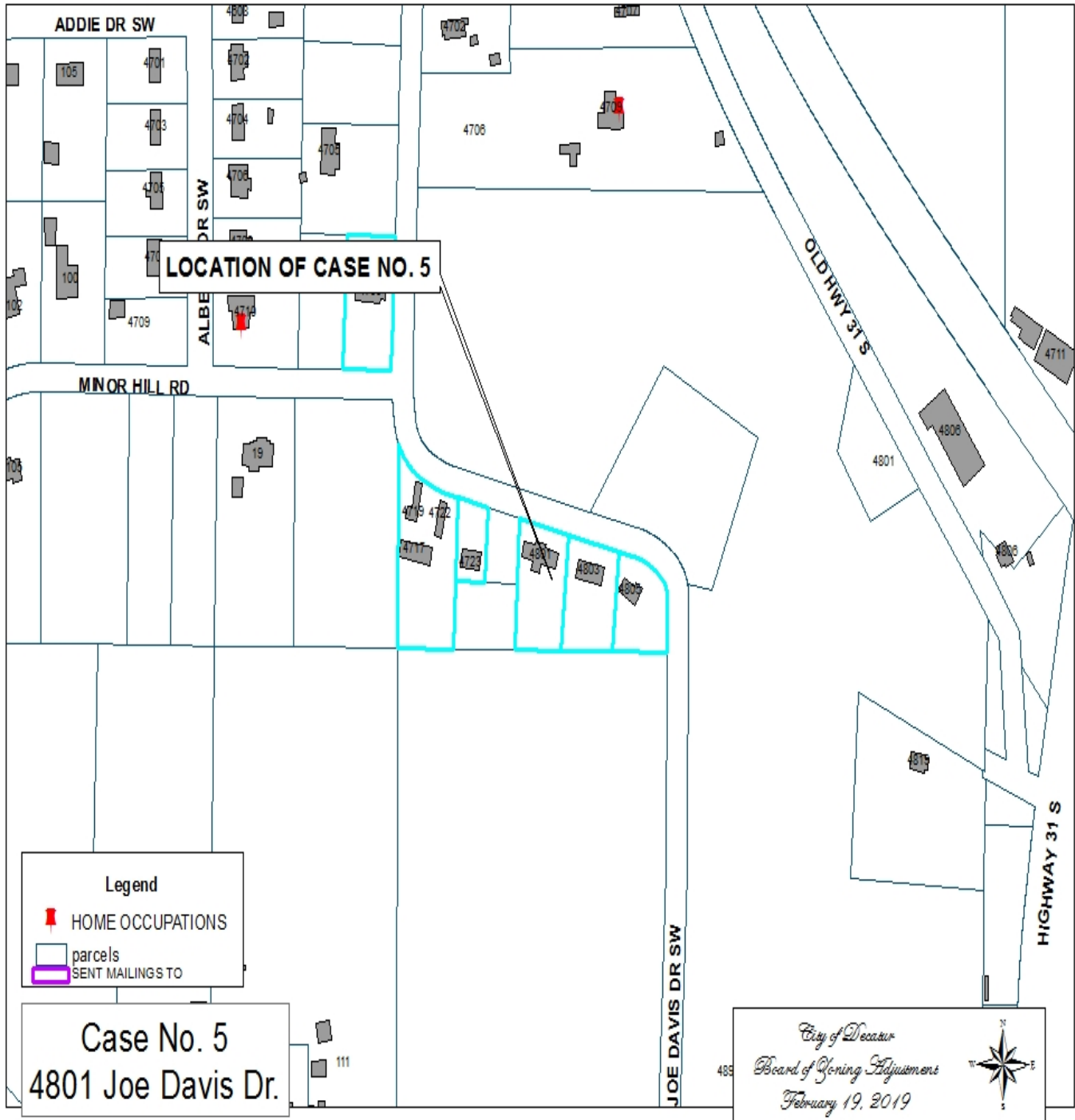
Application and appeal of Pugh Wright McAnally, Inc. for a 6 foot rear yard setback variance located at 2406 Hideaway Place S.E from Section 25-10.8 (2)(d)., property is located in a R-1 Single Family Residential Zoning District.



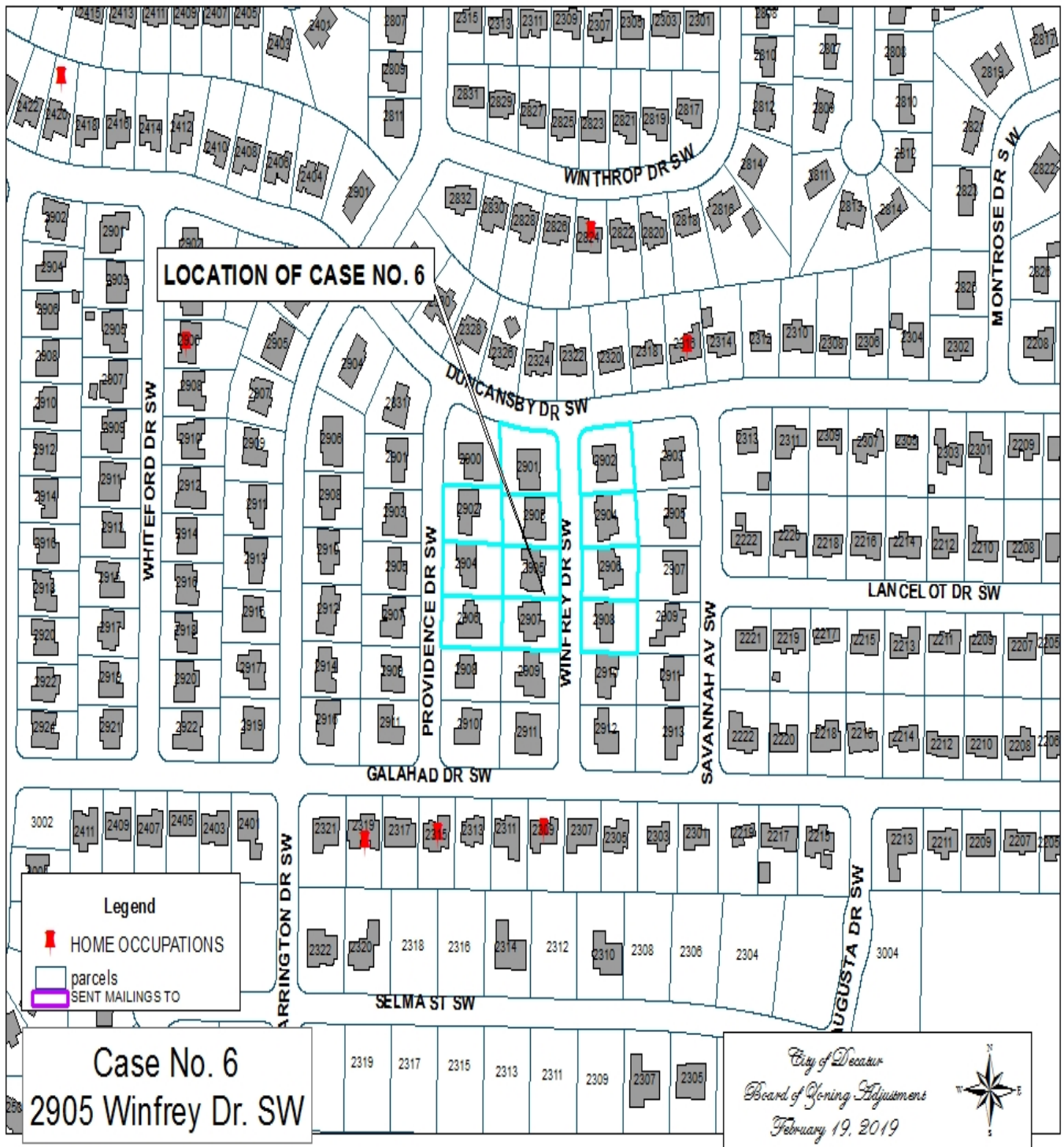


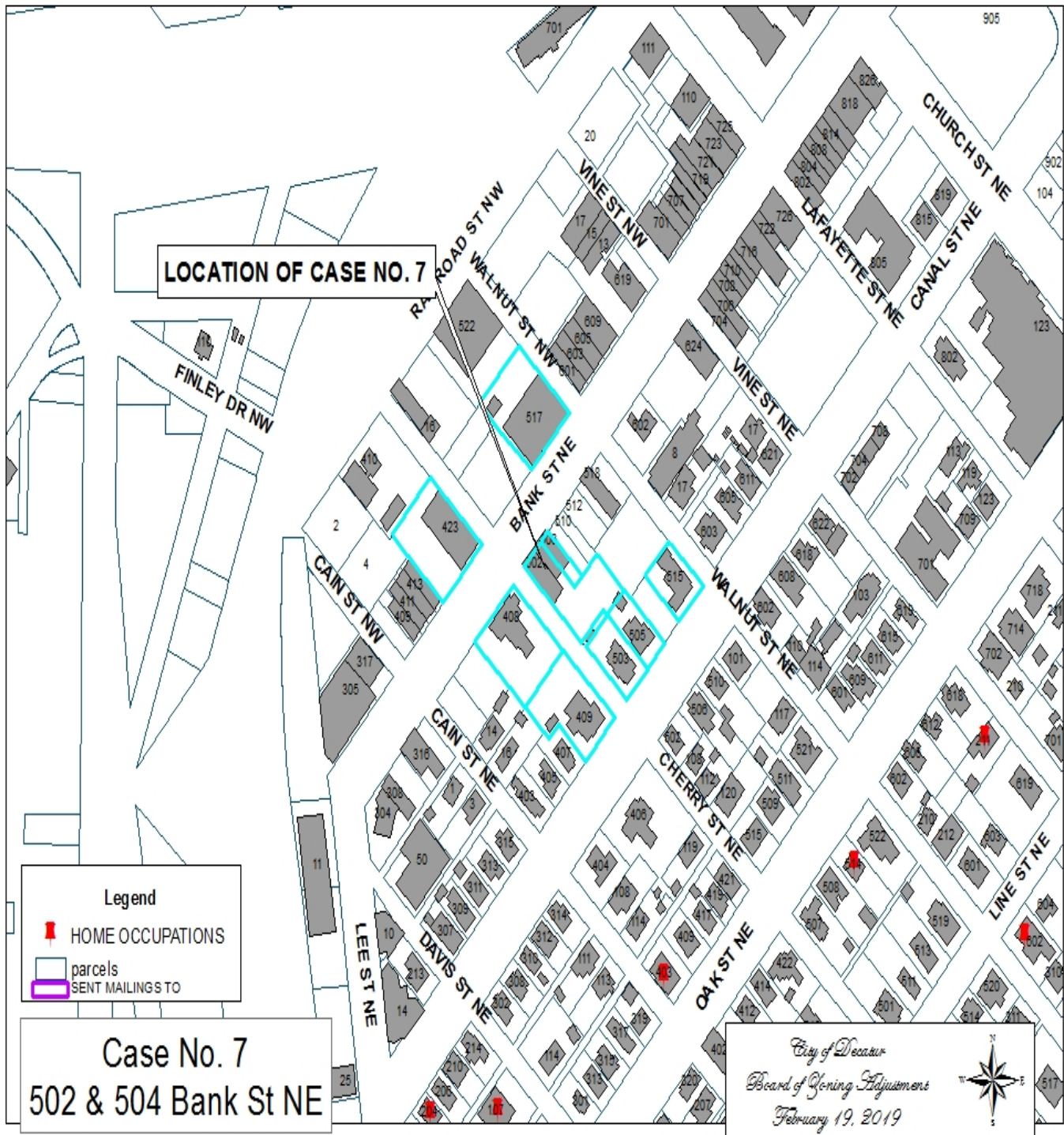






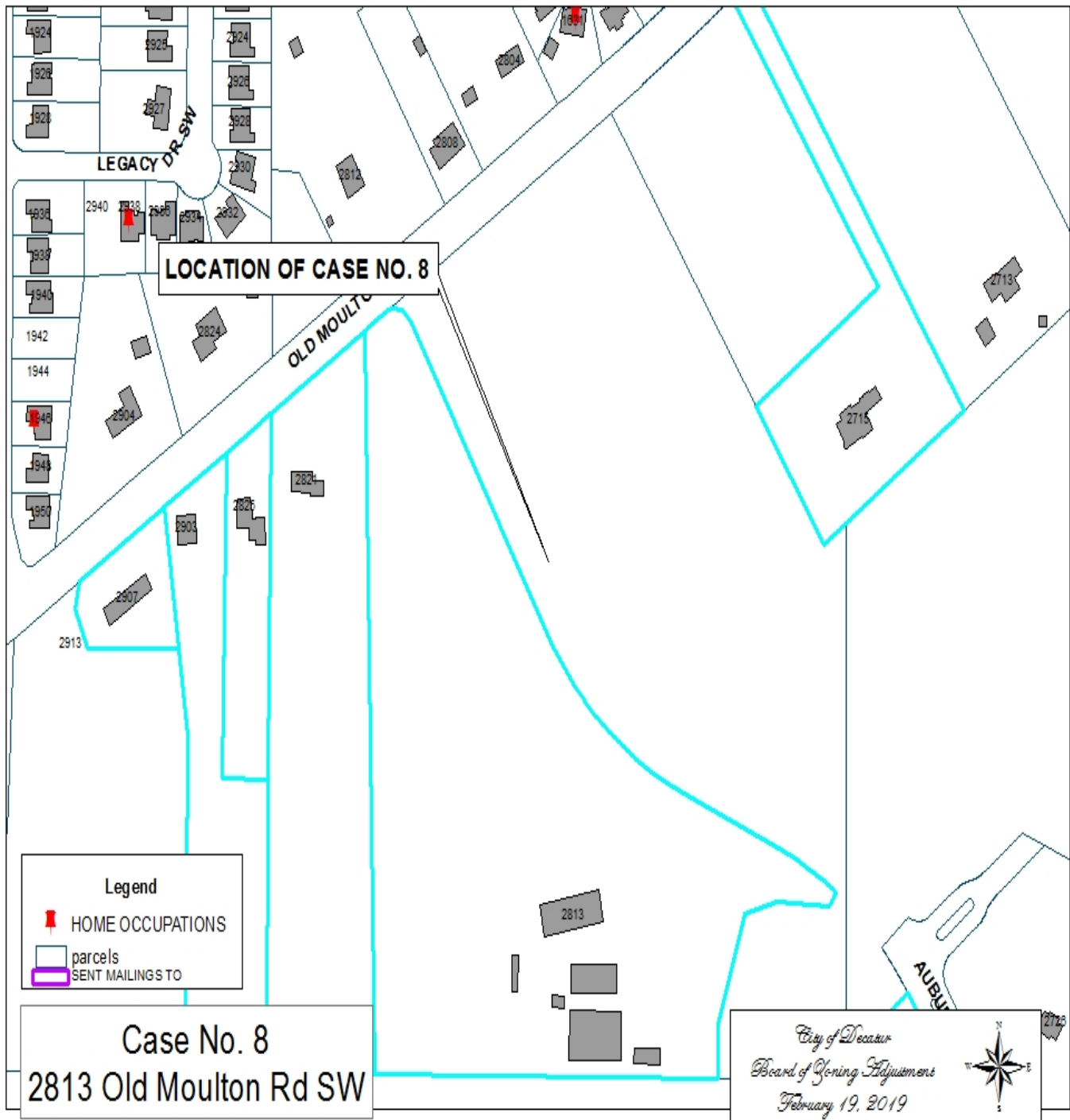
CASE NO 6 2905 WINFREY DR SW





CASE NO. 8 2813 OLD MOULTON RD

OFFICIAL RECORDING



CASE NO. 9 2406 HIDEAWAY PLACE S.E.

PROPOSED PLOT PLAN

