

BOARD OF ZONING ADJUSTMENT

AGENDA

MAY 2020

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MINUTES APRIL 2020

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

SUPERNUMERARIES: None Present

OTHERS PRESENT: Mr. Chip Alexander, Asst. City Attorney
Mr. Matthew Marques, Planner
Mr. Bob Sims, Building Inspector
Mrs. Nancy Whiteside, Recorder

Chairperson, 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.

The minutes from the March 2020 meeting were approved without any changes. Mr. Charles Taylor motioned to approve the minutes. Mrs. Susana Salcido seconded the motion. On a voice vote the motion carried.

POINT OF INFORMATION: TODAY'S MEETING IS BEING BROADCAST LIVE VIA YOUTUBE DUE TO THE COVID-19 PANDEMIC.

CASE NO. 1

Application and appeal of Justice Bates 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 crafting business located at 2506 Spring Av SW, Apt. D 134, property is located in a R-4 Multi-Family Residential Zoning District.

This case was withdrawn prior to today's meeting.

CASE NO. 2

Application and appeal of DeMya Johnson 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 process server business located at 1307 Castleman Ave. SW, property is located in a R-2 Single-Family Residential Zoning District.

Ms. DeMya Johnson presented this case to the Board. Ms. Johnson stated her name was DeMya Johnson and her address was 1307 Castleman Ave SW. Ms. Johnson stated she wanted to use one room in her home for administrative purposes for a process server's business.

Chair, Delayne Dean explained to Ms. Johnson that there are only 4 board members present today and that will require a unanimous favorable vote for the case to be approved and asked Ms. Johnson if she would like to proceed. Ms. Johnson understood and stated she would like to proceed.

Chair, Delayne Dean, asked Ms. Johnson if she would have any employees. Ms. Johnson stated she did not have any employees.

Mr. Charles Taylor asked Ms. Johnson how she would receive the warrants she would be serving. Ms. Johnson replied that she would receive the warrants by fax or email.

Chair, Delayne Dean advised Ms. Johnson that she could advertise as long as she didn't have her home address listed, Ms. Johnson understood.

Chair, Delayne Dean asked for any further questions.

Chair, Delayne Dean stated the email address where questions could be submitted by the public and advised that there would be 1 minute allowed for submission.

There were no question submitted.

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

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

Mrs. Susana Salcido motioned to approve this case as submitted. Mr. Charles Taylor seconded the motion. On a roll call vote the motion carried.

CASE NO. 3

Application and appeal of Bruce Sparkman for an administrative decision from Section 25-10.9 (2) (d) for a 10 foot rear yard setback variance to cover the back deck at 1101 Trenton Dr. SW, property is located in a R-2 Single-Family Residential Zoning District.

Mr. Bruce Sparkman presented this case to the Board. Mr. Sparkman stated his name was Bruce Sparkman and his address was 1101 Trenton Dr. SW. Mr. Sparkman stated he would like to cover his back deck in order to make it more user friendly. Mr. Sparkman stated that there is not any neighbors behind him only a church that it quite a distance behind his property. Mr.

Sparkman stated that his property is fenced and there is an empty lot next door to this lot which he owns as well.

Mr. Charles Taylor asked Mr. Sparkman if he would be increases the footprint of the house. Mr. Sparkman stated no that he was only going to cover the existing deck.

Chair, Delayne Dean asked for any further question.

Chair, Delayne Dean stated the email address where questions could be submitted by the public and advised that there would be 1 minute allowed for submission.

There were no questions submitted.

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

Mr. Matthew Marques, Planning Department, asked Mr. Sparkman about the tree line behind his home and if someone was standing in the lot behind his home could his back yard be seen. Mr. Sparkman stated that only if a person was standing in the far lot of the church then you can see into the back yard.

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

CASE NO. 4

Application and appeal of Susan Lamb for the following variances in order to construct a new single family home at 2004 Magnolia Street SE, property is located in a R-1 Single-Family Residential Zoning District.

- 1) 4200 square foot variance from Section 25-10.8 (2) (a)
- 2) 18.6 setback variance from Section 25-14 on the 20th Avenue side
- 3) 4 foot front yard setback variance from Section 25-10.8 (2) (c) on the Magnolia Side

This case was tabled because no one came forward when this case was called.

CASE NO. 5

Application and appeal of Bryant Greenwell for a 3 foot 8 inch height variance from Section 25-10.8 (2)(g) in order to construct a new residence at 4250 Bennich Rd SW, Property is located in a AG-1 Agricultural Zoning District.

Mr. Bryant Greenwell presented this case to the Board. Mr. Greenwell stated his name was Bryant Greenwell and his address was 2643 North Bethel Rd. Mr. Greenwell stated he was

asking for a height variance at 4250 Bennich Rd SE. Mr. Greenwell stated he was asking for a couple of feet in height. Mr. Greenwell stated the house sits on 17 acres and is well off of the road.

Chair, Delayne Dean asked for any further questions.

Chair, Delayne Dean stated the email address where questions could be submitted by the public and advised that there would be 1 minute allowed for submission.

There were no questions submitted.

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

Mr. Matthew Marques, Planning Department, verified that the house was about 300 feet off of the road.

Mr. Charles Taylor 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 Susan Lamb for the following variances in order to construct a new single family home at 2004 Magnolia Street SE, property is located in a R-1 Single-Family Residential Zoning District.

- 4) 4200 square foot variance from Section 25-10.8 (2) (a)
- 5) 18.6 setback variance from Section 25-14 on the 20th Avenue side
- 6) 4 foot front yard setback variance from Section 25-10.8 (2) (c) on the Magnolia Side

Mr. Steve Graham presented this case to the Board. Mr. Graham stated his name was Steve Graham and his address was 1210 College St. SE, Mr. Graham stated he was the builder for Ms. Lamb. Mr. Graham stated he has built 2 house with this exact floor plan previously and Ms. Lamb wanted this floor plan to be built on the lot. Mr. Graham stated the plan was modified to fit on the lot.

Mr. Graham stated when he came to the Building Department for approval he was notified that this lot was not a buildable lot.

Mr. Graham stated that the Building Department notified him that the lot was only 10,405 square feet. 16th Avenue is the cut off where one side of the street is R-1 and the other is R-3. An R-3 zoning district requires 14,000 square feet to be a buildable lot.

Mr. Graham stated that there had been a house there previously and the property is land locked and the zoning got changed for some reason and no one could figure out why. So, with this being the case he needed to be granted the variances in order to build on this lot.

Chair, Delayne Dean agreed that this was a hardship.

Chair, Delayne Dean called for further questions.

Chair, Delayne Dean stated the email address where questions could be submitted by the public and advised that there would be 1 minute allowed for submission.

There were no questions submitted.

Mr. Bob Sims, Building Department had no comment.

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

Mr. Charles Taylor motioned to approve this case as submitted. Mrs. Susana Salcido seconded the motion. On a roll call vote the motion carried.

Meeting adjourned at 4:20 pm

Chair, Delayne Dean

MAY 2020 AGENDA

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, May 26 at 4:00 p.m. and also broadcast live on City of Decatur You Tube Channel at <https://www.youtube.com/c/CityofDecaturAl> 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. Questions can also be submitted via email at bozaquestions@decatur-al.gov.

CASE NO. 1

Application and appeal of Adriane W. Geist 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 located at 2109 Dundee Dr. SW, property is located in a R-2 Single-Family Residential Zoning District.

CASE NO. 2

Application and appeal of Martrena Haley 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 online fashion accessory business located at 1806 Runnymede Ave. SW Apt# 203 D, property is located in a R-4 Multifamily Residential Zoning District.

CASE NO. 3

Application and appeal of Leslie Sauls 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 courier business located at 1603 Glenn St. SW Apt. # 3, property is located in a R-4 Multifamily Residential Zoning District.

CASE NO. 4

Application and appeal of Morgan Hampton Brook 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 pet grooming business located at 2106 Birch St SE, property is located in a R-1 Single Family Residential Zoning District.



2010 CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Adriane W Geist
MAILING ADDR: 2109 Dundee Dr SW
CITY STATE ZIP: Decatur AL 35603
PHONE: 256-445-2581

PROPERTY OWNER: Same as Above
OWNER ADDR: 2109 Dundee Dr. S.W.
CITY STATE ZIP: Decatur, AL 35603
OWNER PHONE: 256-445-2581

ADDRESS FOR APPEAL: 2109 Dundee Dr. S.W.

☒ HOME OCCUPATION ☐ SETBACK VARIANCE ☐ SIGN VARIANCE
☐ USE PERMITTED ON APPEAL ☐ APPEAL OF ADMINISTRATIVE DECISION
☐ OTHER ☐ SURVEY FOR VARIANCES ATTACHED ☐ DRAWINGS FOR VARIANCES ATTACHED

*****Applicants or Duly Appointed Representative 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.)

Home based business - Cleaning Service
Administrative office for Residential cleaning Service

Applicant Name(print) Adriane W Geist
Signature Adriane W Geist
Representative Name(print) _____
Signature _____
Date 4/16/2020

If applicant is using a representative for the request both signatures are required.

Office Use
Received By _____
Zone _____
Hearing Date _____
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.

CASE NO. 1 2109 DUNDEE DR. SW



HOME OCCUPATION QUESTIONS

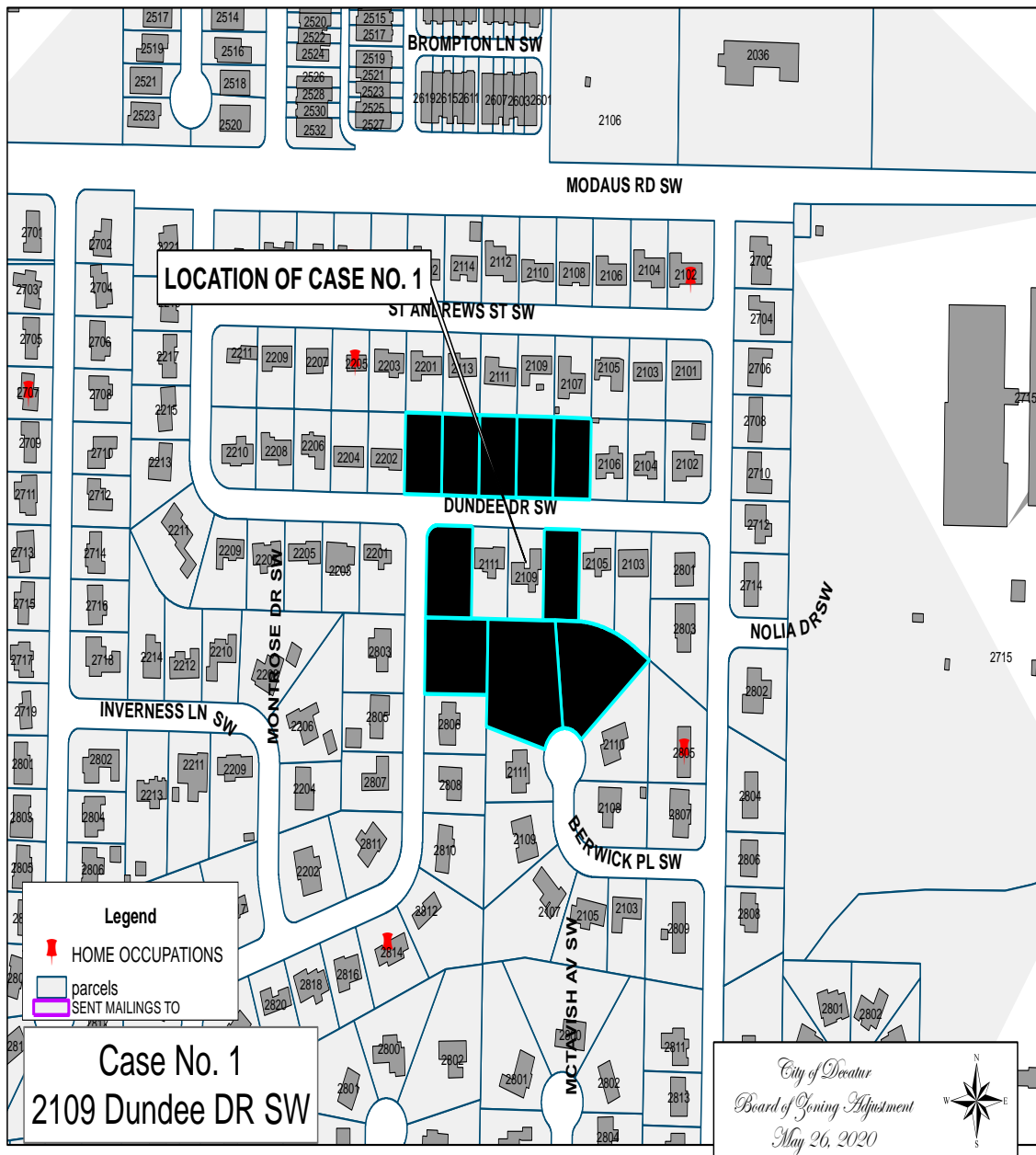
CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
*note: This refers to only the work being done at your home.
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 ☒
8. Will there be any more than one sales party at your 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, FedEx, 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: Adrianne W. Geist DATE: 4-16-2020
ADDRESS: 2109 Dundee Dr SW Decatur, AL 35603

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QUESTIONNAIRE



MAP

5



on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Martrena Haley
MAILING ADDR: 1806 Runnymede Ave. Apt. 203D
CITY STATE ZIP: Decatur, AL 35601
PHONE: (256) 466-1905

PROPERTY OWNER: Park Towne Apartments
OWNER ADDR: 1806 Runnymede Ave. Apt. 2 103D
CITY STATE ZIP: Decatur, AL
OWNER PHONE: (256) 390-3033

ADDRESS FOR APPEAL: 1806 Runnymede Ave Apt. 203D

☒ HOME OCCUPATION
☐ USE PERMITTED ON APPEAL
☐ OTHER

NATURE OF APPEAL:
☐ SETBACK VARIANCE
☐ APPEAL OF ADMINISTRATIVE DECISION
☐ SURVEY FOR VARIANCES ATTACHED
☐ SIGN VARIANCE
☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative 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.)

Fashion Hats Women Belts
Fashion Jewelry Fashion Glasses * Website, online
Fashion Bags Body Jewelry selling *
Fashion Watches

I Run in my Home for Administration Purposes

Applicant Name(print) Martrena Haley
Signature [Signature]
Representative Name(print) _____
Signature _____
Date 4/29/20

If applicant is using a representative for the request both signatures are required.

Office Use
Received By _____
Zone _____
Hearing Date _____
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.

CASE NO. 2 1806 RUNNYMEADE AVE APT 203 D



HOME OCCUPATION QUESTIONS

CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
*note: This refers to only the work being done at your home.
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 ☒
8. Will there be any more than one sales party at your 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, FedEx, 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:

Martina Foley

DATE:

4/29/20

ADDRESS:

1006 Kunny Mead Ave. Apt. 203D Decatur, AL 35601

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QUESTIONNAIRE



May 26, 2020
@ 4:00pm

on a CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: LESLIE SAULS

MAILING ADDR: 1603 Glenn St Apt 3

CITY STATE ZIP: DECATUR AL 35603

PHONE: 334-306-9820

PROPERTY OWNER: Charles + Deborah Jacobs

OWNER ADDR: 14122 E Glenn Valley Dr

CITY STATE ZIP: Athens, AL 35611-3915

OWNER PHONE: 256-824-6561

ADDRESS FOR APPEAL: 1603 Glenn St Apt 3, Decatur AL 35603

☒ HOME OCCUPATION

NATURE OF APPEAL:

☐ SETBACK VARIANCE

☒ SIGN VARIANCE

☐ USE PERMITTED ON APPEAL

☐ APPEAL OF ADMINISTRATIVE DECISION

☐ OTHER

☐ SURVEY FOR VARIANCES ATTACHED

☐ DRAWINGS FOR VARIANCES ATTACHED

***** Applicants or Duly Appointed Representative 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.)

Courier Business use one room in my home for
administrative purposes

Applicant Name(print) Leslie Sauls

Signature Leslie Sauls

Representative Name(print)

Signature

Date 05-05-2020

If applicant is using a representative for the request both signatures are required.

Office Use
Received By Nancy
Zone

Hearing Date 5.26.2020
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.

CASE NO. 3 1603 GLENN ST. APT# 3



HOME OCCUPATION QUESTIONS

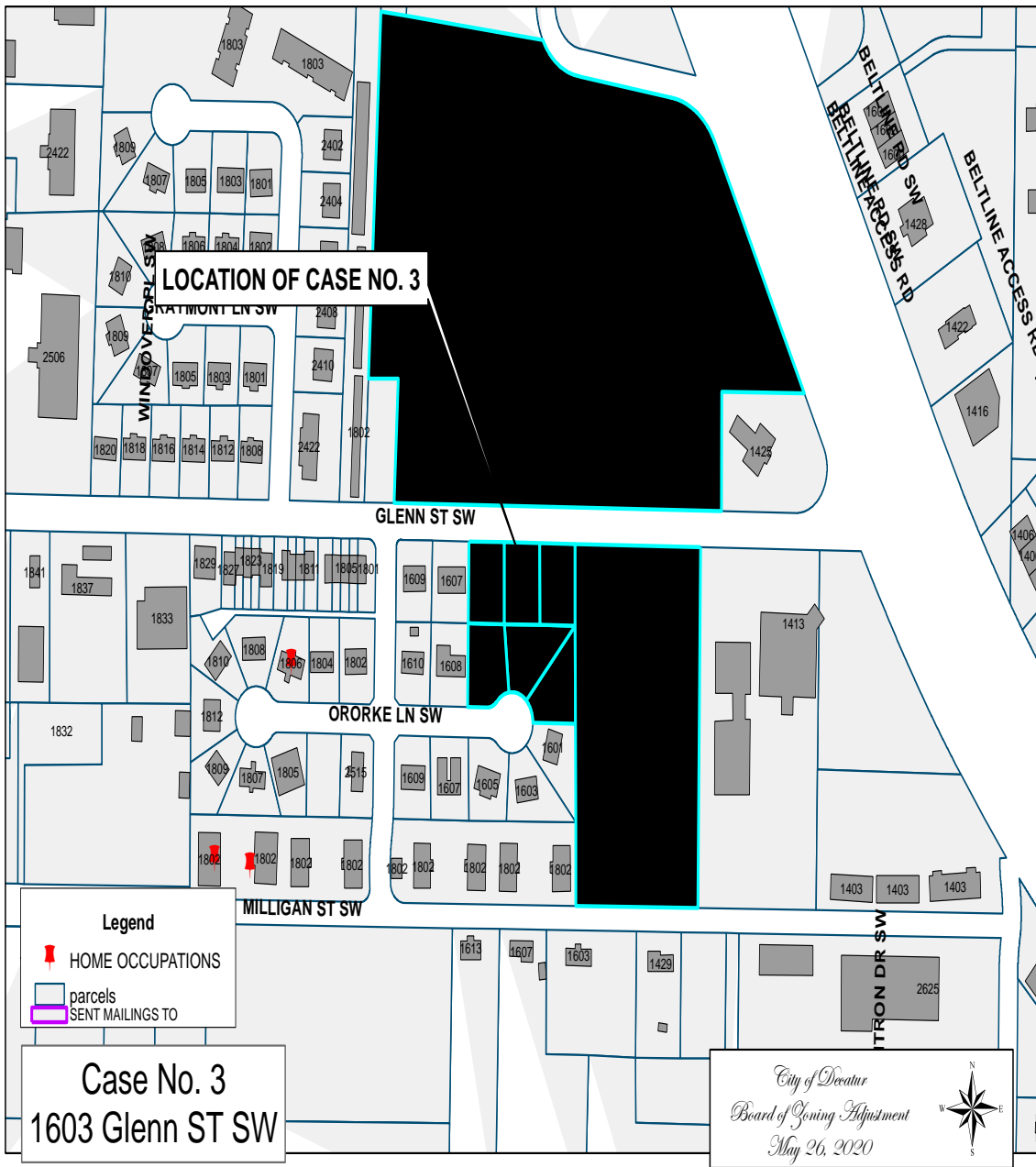
CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
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 ☒
8. Will there be any more than one sales party 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, FedEx, 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: Levi Sauls DATE: 05-05-2020
ADDRESS: 1603 Glenn St Apt 3 Decatur AL 35403

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QUESTIONNAIRE



MAP

④



CHARMING SCALE

Board of Zoning Adjustment

APPLICANT: Morgan Hampton Brook
MAILING ADDR: 2106 Birch St SE Decatur, AL 35601
CITY STATE ZIP: Decatur, AL 35601
PHONE: 256 221-6501

PROPERTY OWNER: Morgan and Benjamin Brook
OWNER ADDR: 2106 Birch St SE
CITY STATE ZIP: Decatur, AL 35601
OWNER PHONE: 256 221-6501

ADDRESS FOR APPEAL: 2106 Birch St. SE Decatur, AL 35601

☒ HOME OCCUPATION
☐ USE PERMITTED ON APPEAL
☒ OTHER
NATURE OF APPEAL:
☐ SETBACK VARIANCE
☐ APPEAL OF ADMINISTRATIVE DECISION
☐ SIGN VARIANCE
☐ SURVEY FOR VARIANCES ATTACHED
☐ DRAWINGS FOR VARIANCES ATTACHED

*****Applicants or Duly Appointed Representative 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.)
I would like to use my home office for administrative tasks for my mobile pet grooming business. My office is 214 square feet. It will also include storage for my supplies. My mobile pet grooming business will visit homes to provide low stress services directly to the clients doorstep.

Applicant Name(print): Morgan Brook
Signature: [Signature]
Representative Name(print):
Signature:
Date: 5/7/2020

If applicant is using a representative for the request both signatures are required.

Office Use
Received By _____
Zone _____
Hearing Date _____
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.

CASE NO. 4 2106 BIRCH ST. SE



HOME OCCUPATION QUESTIONS

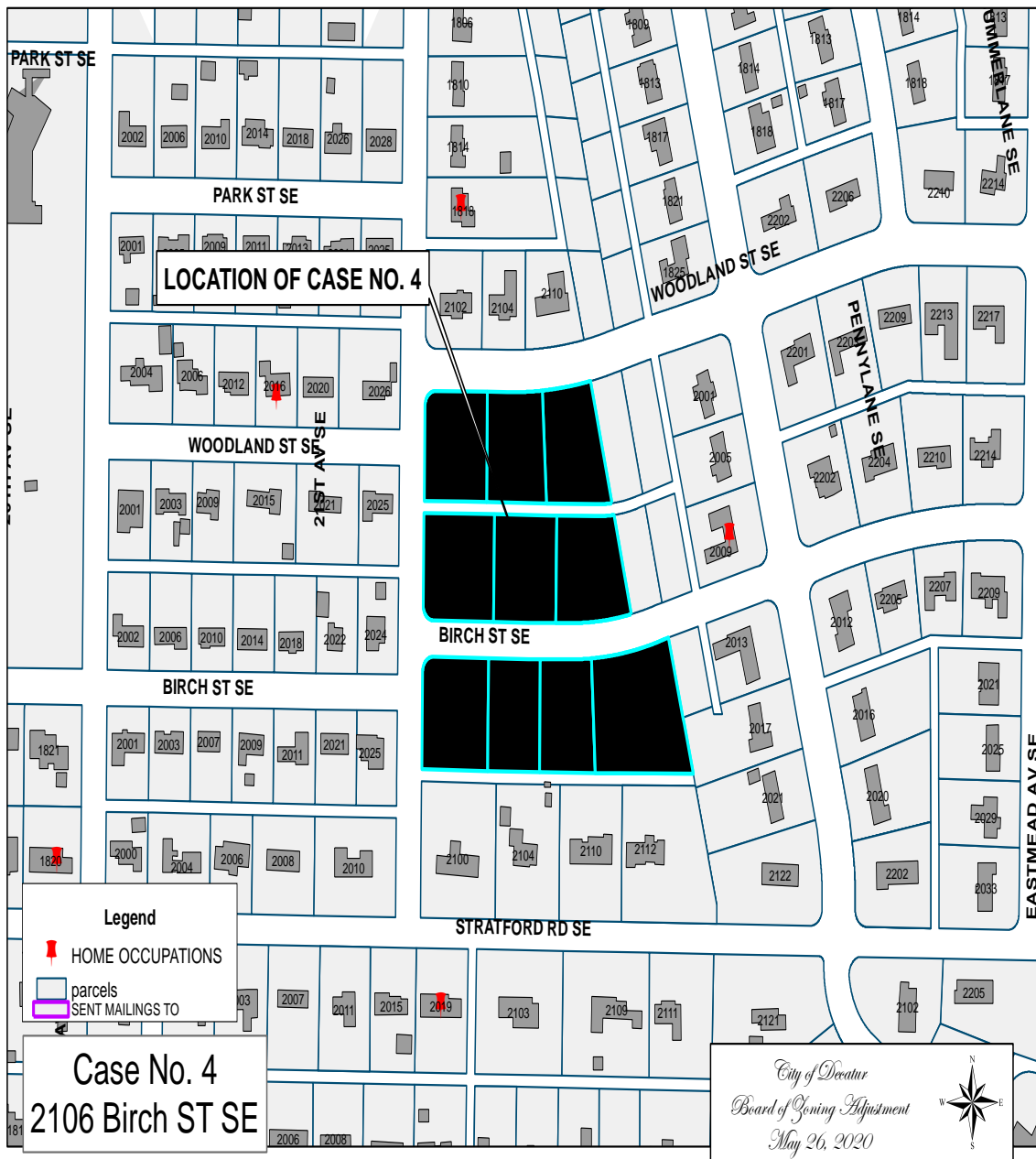
CHECK YES OR NO FOR EACH QUESTION

1. Is the occupation* applied for (administrative office, making of crafts, sewing, etc.,) conducted entirely within the dwelling? YES ☒ NO ☐
**note: This refers to only the work being done at your home.*
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 ☒
8. Will there be any more than one sales party 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, FedEx, 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: *[Signature]* DATE: 5/7/2020
ADDRESS: 2106 Birch St SE Decatur, AL 35601

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QUESTIONNAIRE



MAP