



402 Lee Street
Decatur, Alabama 35601
August 25, 2026

402 Lee St NE	Regular Board of Zoning Adjustment Meeting	4:00 PM
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- I. Roll Call**
- II. Approval of Minutes**
 - A. Minutes
- III. New Business**
 - A. BZA Case 260825-01
 - B. BZA Case 260825-02
 - C. BZA Case 260825-03
- IV. Adjournment**

Board of Zoning
Adjustment Staff
Report



Variance 260825-01

MEETING DATE: August 25th, 2026

PETITIONER: James Brothers

PROPERTY OWNER: Idlewind, LLC

SUBJECT ADDRESS: South of 3405 Danville Road SW

REQUEST: Variance request to allow one point of ingress and egress for a subdivision that has more than 80 proposed lots

CURRENT ZONING: RS-7 (Residential Single Family)

LOCATION: South of 3405 Danville Road

SURROUNDING LAND North: AG (Agriculture)

USES AND ZONING: South: AG (Agriculture)

East: AG (Agriculture)

West: AG (Agriculture)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance from the required number of development entry points for a proposed residential subdivision containing more than 80 lots. Under the City of Decatur Zoning Ordinance, residential developments containing between 81 and 160 dwelling units are required to provide a minimum of two access points; this proposed development is recommending 134 residential lots.

APPLICANT'S HARDSHIP (FROM APPLICATION):

July 25, 2026

To the Members of the Board of Zoning Adjustment, City of Decatur Request to Grant a Variance to Table 25-5.1.6(A)(2)(111) of the Zoning Ordinance of the City of Decatur

Ladies and Gentlemen of the Board

This application is a request for a variance and/or relief from the Zoning Ordinance requirement that subdivisions of 80 or more lots provide a minimum of two points of ingress and egress.

The attached layout of our proposed RS 7 zone single family home subdivision should be referenced in evaluation of the requested variance. The proposal lays out 144 lots, with 5,600 linear feet of interior streets, with access from Danville Road, SW just south of Vestavia Drive, and the access is designed to be a boulevard entrance with a divided, landscaped median dividing entrance lane from the exit lane.

The Planning Commission at its July 21, 2026, meeting approved a modified layout design with of 134 lots, with two ingress/egress points to Danville Road, as result of the Technical Review Committee's recommendation.

In the following narrative is our reasoning for justifying this variance request.

What are the the particular and exceptional conditions pertaining to the particular piece of property in question (size, shape, or topography)?

The property has frontage on Danville Road of 571 linear feet. This 41-acre tract of land only has access to a public right of way (subject to verification of Vestavia Drive as a private drive or a right of way by prescription). Providing two access points from Danville Road would create 3 intersection nodes in the distance of approximately 700 feet, which would create an unnecessary traffic conflict in a short distance of Danville Road. Danville Road is a major arterial extending to the south corporate limits of the city. Consideration of the efficient traffic flow for Danville Road should commend the provision of the single, divided boulevard entrance to the development.

How would the application of the Zoning Ordinance of the City of Decatur to this particular piece of property create an unnecessary hardship?

In addition to the response answered question above, the provision of a second point of access to Danville Road would not lessen the travel distance from the most remotely situated proposed lot. Furthermore, elimination of the boulevard entrance would significantly detract from the marketability and aesthetic quality of the subdivision. The fact this piece of property has as its only frontage along a public right of way, Danville Road, prevents the layout design from providing two points of ingress/egress. (note: the status of Vestavia Drive is being further investigated as of the date of the correspondence).

What conditions are peculiar to this particular piece of property?

With the layout plat shown in the attachment, it is apparent that the travel distance from any lot within the subdivision to the ingress/egress boulevard is less than 2,000 feet. The south boundary of the property is presently developed as single family home on large, estate size lots which prevents any possible ingress/egress to Chapel Hilt Road. The north boundary is adjoined by two property owners who have

been unwilling to allow access to Vestavia Drive, as it their contention that this section of Vestavia Drive is a "private drive". (see Decatur Daily Saturday, July 25, 2026 edition - Private Drive Dispute Affects Decatur Subdivision Plan)

The Idlewind LLC partnership has proposed a remedy to the 2nd ingress/egress issue by constructing a **Fire Apparatus Access Road** in accordance with the **2009 IFC Appendix D** requirements, provided for in the currently adopted Fire Code for the City of Decatur. This proposal was rejected by the north ad joiner property owner and the City Planner, with the engineering department and city legal staff unclear on the suitability of the alternative proposal, given the questions surrounding the legal status of Vestavia Drive.

Conclusion

Idlewind LLC respectfully requests the granting of this variance. This would be in the public interests of the health, safety and welfare of future homeowners in Idlewind Subdivision, as well as the city. The goals of an orderly designed city contemplated in the comprehensive plan and implemented in the enforcement of the Zoning Ordinance will be preserved and enhanced by this development.

In the aftermath of the recent problems in the Burningtrees area developments, the affected residents were somewhat unsettled over the events that occurred. It is the contention by the partners in Idlewind, LLC that there is **NO** comparable issues involved with this development. This variance request will meet the objections of the property ad joiners on the north boundary of the development. No ad joiners of the south boundary, all of whom expressed support for the subdivision will be affected in any way.

Sincerely,

James Brothers

Partner, Idlewind LLC

ZONING ORDINANCE REFERENCED- TABLE 25-5.1.6(A)(2)(III): REQUIRED DEVELOPMENT ENTRY POINTS

TABLE 25-5.1.6(A)(2)(III): REQUIRED DEVELOPMENT ENTRY POINTS	
DEVELOPMENT TYPE	MINIMUM NUMBER OF ACCESS POINTS
RESIDENTIAL USE TYPES (BY NUMBER OF UNITS)	
80 or fewer units	1
Between 81 and 160 units	2
161 or more units	3
ALL OTHER USE TYPES (BY SITE AREA)	
Less than 5 acres	1
Between 5 and 20 acres	2
More than 20 acres	2 + 1 per every additional 20 acres or portion thereof

ANALYSIS:

The applicant is requesting a variance to allow a proposed subdivision containing 134 lots to have one point of ingress and egress. The City's zoning requirements call for two access points for residential developments containing between 81 and 160 lots. The proposed subdivision exceeds this threshold and therefore does not meet the required number of access points. The applicant is requesting relief from this requirement to allow the subdivision to be served by a single access point connecting to Danville Road SW. In reviewing the request, consideration should be given to the adequacy and safety of the proposed access, including access for emergency services, traffic circulation within the subdivision, and the potential impact on Danville Road SW and surrounding properties.

RECOMMENDATION

Staff recommends denial of the requested variance to allow the proposed 134-lot subdivision to have only one point of ingress and egress. The City's zoning ordinance requires two access points for residential developments containing between 81 and 160 lots. Because the proposed subdivision contains 134 lots, it is subject to this requirement. Providing two points of access is intended to provide adequate circulation and alternative access for residents, emergency services, and other users of the subdivision. Based on the information provided, staff does not find sufficient justification to reduce the required number of access points. Therefore, staff recommends that the variance be denied and that the subdivision be required to provide two points of ingress and egress in accordance with the zoning ordinance. Staff is willing to consider reducing the required separation between the two access points to accommodate the existing traffic signal and roadway configuration and to minimize potential conflicts with traffic generated by the proposed subdivision. However, both access points should be maintained to ensure adequate access and to uphold the intent of the City's new zoning ordinance.

Variance Application – Board of Zoning Adjustment (BZA)

City of Decatur, Planning & Development Department
402 Lee Street NE
Decatur, AL 35602
(256) 341-4720 / Planning@decatur-al.gov



Location of Subject Property: Idlewind Subdivision - Danville Road/Vestavia Dr intersection

Name of Applicant(s): James Brothers, Designated Agent, Idlewind, LLC Phone: 256 919 7800

Address: 2416 Aldingham Dr SW, Decatur, AL 35603 Email: idlewind@hotmail.com

Name of Owner(s): Idlewind, LLC, Charles Brothers, Managing Partner Phone: 256 353 8062

Address: 2207 Aldingham Ct. SW, Decatur, AL 35603 Email: idlewind@hotmail.com

The applicant will be the point of contact for all communication with city staff

Current Zoning: RS 7 Total Acreage: 41 Current Use of Property: Vacant

Review the Decatur Zoning Ordinance, specifically Sec. 25-2.4.16

Any variance granted shall be the minimum adjustment necessary to enable the legal use of the land, building, or structure. The Board may prescribe any safeguard that it deems necessary to secure substantially the spirit of the zoning ordinance or provisions to which the variance applies. There must be proof of unnecessary hardship. The hardship complaint cannot be self-created.

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape, or topography)?
2. How would the application of the Zoning Ordinance of the City of Decatur to this particular piece of property create an unnecessary hardship?
3. What conditions are peculiar to this particular piece of property? *(attach extra pages as needed to answer questions)*

"Any party aggrieved by any final judgment or decision of such board of zoning adjustment may within 15 days thereafter appeal therefrom to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken." (Code of Alabama § 11-52-81)

- All items must be marked as included or understood:
- ☒ Proof of Ownership
 - ☒ Designation of Agent Form (mark N/A if not applicable)
 - ☒ Accurate, scaled site plan showing all necessary information, including property lines, existing & proposed structures, dimensions, and any additional information that would be helpful to the BZA in making a decision
 - ☒ Fee
 - ☒ I agree to allow the City to place a sign or signs on this property notifying the public of this request
 - ☒ Applicant must attend meeting
 - ☒ I have read the guidelines referenced in Sec. 25-2.4.16 in the City of Decatur Zoning Ordinance
- *The deadline to apply for the next meeting is: _____ / _____ / _____
*The date of the next available meeting is: _____ / _____ / _____

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct. I acknowledge that it is my responsibility to supply competent and credible evidence to inform the BZA of the nature and degree of the hardship and the variance sought, and to demonstrate that the use of the property will not substantially impair the intent and purpose of the Zoning Ordinance.

Applicant Signature: James L. Brothers Date: 7 / 27 / 2026

STATE OF ALABAMA

COUNTY OF Marion

I, Stephanie Simon, a Notary Public in and for said State at Large, hereby certify that

James L. Brothers, whose name is signed to the foregoing document,

☒ Who is known to me, or

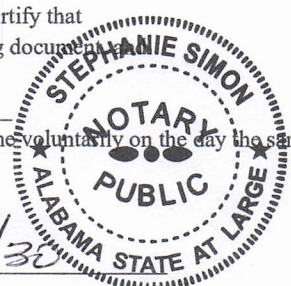
☐ Whose identity I proved on the basis of _____

and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 27 day of July, 2026.

Stephanie Simon, Notary Public

My Commission Expires: 2/26/30



Idlewind, LLC

James Brothers, Partner,
Idlewind, LLC
2416 Aldingham Dr. SW
Decatur, Alabama 35603

July 25, 2026

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Sincerely,

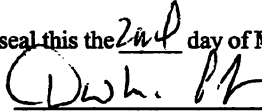
James Brothers

Partner, Idlewind LLC

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Janet Maner, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 2nd day of ~~March, 2004~~ December, 2004.



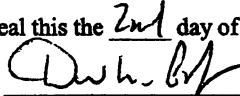
Notary Public

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

DOW M. PERRY, JR.
My Comm. Ex. Jan. 13, 2006

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Teresa Hill, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 2nd day of ~~March, 2004~~ December, 2004.



Notary Public

DOW M. PERRY, JR.
My Comm. Ex. Jan. 13, 2006

This instrument was prepared by:
Dow M. Perry, Jr.
Harris, Caddell & Shanks, P.C.
P. O. Box 2688
Decatur, AL 35602-2688
(256) 340-8047

Exhibit "A"

2004 9115
Recorded in the Above
DEED Book & Page
12-02-2004 03:01:44 PM

Tract 1

Beginning at a rock located on the Southwest corner of Section 13, Township 6 South, Range 5 West, and running North 01 degrees 28 minutes West for a distance of 662.75 feet to a point, thence running North 88 degrees 35 minutes 25 seconds East for a distance of 917.94 feet to a point on the easterly margin of Danville Road, S.W., thence running South 34 degrees 32 minutes 44 seconds West along the easterly margin of Danville Road, S.W., for a distance of 197.65 feet to a point, thence running North 88 degrees 35 minutes 25 seconds East for a distance of 520.65 feet to a point, thence running South 00 degrees 56 minutes 56 seconds East for a distance of 494.25 feet to a rock, thence running South 88 degrees 13 minutes 12 seconds West for a distance of 1317.93 feet and back to the point of beginning, and containing 18.2655 acres.

Tract 2

West $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 6 South, Range 5 West and containing 20 acres, more or less.

Tract 3

All of the lands of the A.B. Brothers Estate in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 6 South, Range 5 West, lying North of that part conveyed to the United States of America as a portion of the Flint Creek Embayment containing 17 acres more or less and being tax parcel 13-07-25-0-000-003.000, being also described as the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, Township 6 South, Range 5 West, less and except that portion owned by the United States of America, and less and except the easterly 12 acres of said remaining quarter quarter.

Tract 4

The N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 6 South, Range 5 West, containing 7 $\frac{1}{2}$ acres, more or less.

Tract 5

The SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, Township 6 South, Range 5 West, less and except the East 340 feet thereof and less and except the West 165 feet thereof.

Tract 6

2004 9116
Recorded in the Above
DEED Book & Page
12-02-2004 03:01:44 PM
Bobby Day - Probate Judge
State of Alabama, Morgan County

The Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West, Morgan County, Alabama, less and except the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and also less and except ten acres off the west side of the remaining 35 acres;

The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West;

All that part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West, lying west of Danville Road, less and except a 0.79 acre parcel in the northeast corner thereof described as beginning at the intersection of the north line of said Section 11 with the southwesterly line of Danville Road, thence west along the north section line 250 feet; thence south parallel with the east section line 125 feet; thence easterly parallel with the north section line 302.2 feet, more or less, to the southwesterly margin of Danville Road, SW; thence northwesterly along the westerly margin of Danville Road 135.4 feet, more or less, to the point of beginning of this exception;

Less and Except:

A lot or parcel of land lying in the East $\frac{1}{2}$ of the North $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 11, Township 6 South, Range 5 West, described as beginning at a point on the northeast corner of said parcel, which northeast corner is 115 feet south of a point 453.2 feet east of the point of intersection of the easterly margin of Danville Road and the north line of said Section 11; thence from said point of beginning west and parallel with the north line of said Section 11, 405 feet, more or less, to the east margin of Danville Road; thence southeasterly along the easterly margin of said Danville Road 121.3 feet to a point; thence east and parallel with the north line of said Section 11 358.2 feet to a point; thence north, and parallel with the east line of said Section 11, to the point of beginning of said parcel.

Term/Cashier: RECORD1 / patriciah
Tran: 5293.126189.174660
AFF Special Fee (Act 95-424) 5.00
LFE Deed Tax 600.00
FIL Filings Fee 1.00
REC Recording Fee 18.00
Total Fees: \$ 624.00

State of Alabama, Morgan County
I certify this instrument was filed on
12-02-2004 03:01:44 PM
and recorded in DEED Book
2004 at pages 9112 - 9116
Bobby Day - Probate Judge

2004 9112
Recorded in the Above
DEED Book & Page
12-02-2004 03:01:44 PM
Bobby Day - Probate Judge
State of Alabama, Morgan County

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

DEED OF CONTRIBUTION

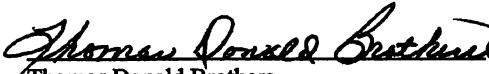
KNOW ALL MEN BY THESE PRESENTS that we, THOMAS DONALD BROTHERS, a married man, the owner of an undivided one-fourth interest; CHARLES MAYNARD BROTHERS, a married man, the owner of an undivided one-fourth interest; a married man, the owner of an undivided one-fourth interest; JAMES LYNN BROTHERS, a married man, the owner of an undivided one-fourth interest; JANET MANER, a married woman, the owner of an undivided one-eighth interest; and TERESA HILL, a married woman, the owner of an undivided one-eighth interest (herein "Grantors"), as a contribution to the capital of the Grantee, IDLEWIND, L.L.C., an Alabama Limited Liability Company, and in consideration of One and No/100 Dollars (\$1.00), to us in hand paid by the Grantee, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto IDLEWIND, L.L.C., an Alabama Limited Liability Company, the following real estate situated in Morgan County, Alabama, to-wit:

[See Exhibit "A" attached hereto and made a part hereof]

Grantors covenant and warrant that the above described real estate is not the homestead or principal place of residence of any of the Grantors or any of their spouses.

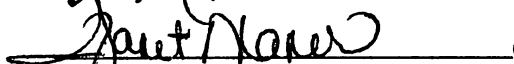
TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, forever, subject to all existing easements, rights-of-way and restrictions of record and the lien for current ad valorem taxes.

IN WITNESS WHEREOF, the undersigned have set their hands and seals on this _____ day of ~~March, 2004~~ December, 2004.

 (Seal)
Thomas Donald Brothers

 (Seal)
Charles Maynard Brothers

 (Seal)
James Lynn Brothers

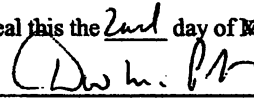
 (Seal)
Janet Maner

 (Seal)
Teresa Hill

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Thomas Donald Brothers, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 2nd day of ~~March, 2004~~ December, 2004.



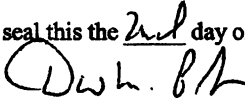
Notary Public

DOW M. PERRY, JR.
My Comm. Ex. Jan. 18, 2008

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Charles Maynard Brothers, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 2nd day of ~~March, 2004~~ December, 2004.



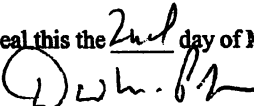
Notary Public

DOW M. PERRY, JR.
My Comm. Ex. Jan. 18, 2008

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that James Lynn Brothers, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 2nd day of ~~March, 2004~~ December, 2004.

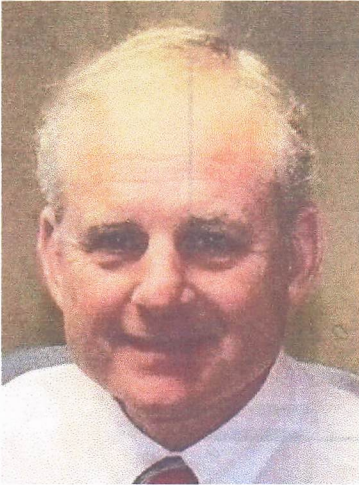


Notary Public

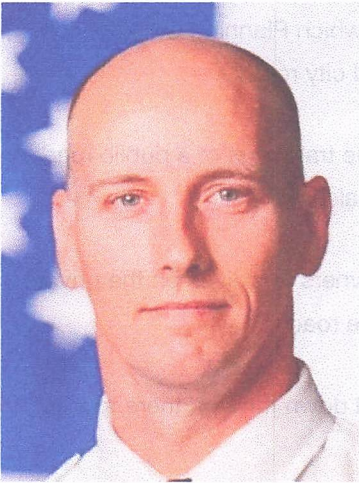
DOW M. PERRY, JR.
My Comm. Ex. Jan. 18, 2008

Private drive dispute affects Decatur subdivision plan

By Bayne Hughes Staff Writer
Jul 25, 2026



Borden



Anders

Retired city Building Director Jimmy Brothers' proposed Southwest Decatur subdivision will have 10 fewer homes than originally planned after the Planning Commission on Tuesday approved a revised plat that requires a second entrance/exit for emergency vehicles.

In June, the Planning Commission approved RS-7 zoning, which allows single-family homes on 7,000-square-foot lots.

Brothers submitted a preliminary layout to the city's Technical Review Committee last week for the 41.17-acre Idlewind subdivision off 3405 Danville Road S.W., just north of Chapel Hill Road. The original plan included 144 homes. He has a contract with Arlington, Texas-based DR Horton, which builds homes in 37 states.



The plan is to build brick homes with four bedrooms and an attached two-car garage that are listed between \$265,000 and \$330,000, Brothers said in June.

However, Brothers on Tuesday was required to reduce the final plat to 134 homes because the city insisted on adding a second entrance/exit for emergency vehicle access.

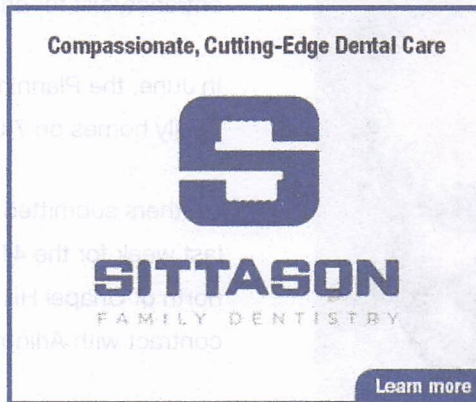
His original plat showed one entrance/exit on the northeast end of the subdivision, but Planning Director Chad Bowman said the city's ordinance requires two points of ingress and egress for subdivisions with 80 or more homes.

"This promotes connectivity, improves emergency access and distributes traffic more efficiently," Bowman said.

City Fire Marshal Bobby Anders said the city's subdivision ordinance incorporates the 2009 fire code, while Alabama has since adopted the 2021 edition, which no longer contains the two-access-point requirement.

However, Anders said state law requires him to enforce the more restrictive requirement until the city adopts the newer code.

Brothers argued that adding a second entrance/exit would eliminate 10 lots and said the requirement is unnecessary. He said he believes the controversy surrounding the Burningtree subdivisions, which have only one access point, is influencing the decision even though it should not.



"This property isn't anything remotely compared to Burningtree," Brothers said.

Brothers argued there is a "reasonable alternative" for a second entrance/exit. He said it could connect to Vestavia Private Drive, which Planning Commission Chairman Gary Borden said "is not an improved city road."

"It's at a signalized intersection and has all of the trappings of a public road, or at least to be used in a public manner," Brothers said.

However, James McGhee, one of three homeowners who lives on the private drive, said they should not be allowed to use the road.

"We don't want folks to open up our little tunnel down through there to all of this traffic coming in," McGhee said.

McGhee said they met with Brothers last week and told him, "'We're not interested in selling to them, giving it to them or whatever.' They're going to do whatever they want to do but leave us out of it."

"All we want is to be left alone. I hope he makes a million dollars out of this deal, but he don't need to make it on the backs of others. That's our private property, and I and our neighbors are not going to give it up easy. You need to consider that. I think y'all are fair people, and that's all I've got to say — unless he says something else," McGhee told the Planning Commission.



After the Planning Commission meeting, Bowman said only the owner of the portion of the private drive nearest the intersection — not McGhee — could grant permission to use the private drive as an emergency entrance/exit for the subdivision. Morgan County revenue commissioner records show Francisco G. Hernandez as the owner.

As evidence that the drive already serves a public function, Brothers pointed out that the city's Solid Waste Department has an agreement to collect garbage along the private drive.

City Engineer Courtney Johnson said the city wanted to use the private drive so sanitation crews could safely turn around garbage trucks. She said City Attorney Herman Marks recommended taking the private drive back through the Planning Commission process because of safety concerns.

Brothers said he may just construct the required second entrance/exit to the private drive with a gate and a lock that only the Fire Department can use at the entrance/exit. He said the city would then be the one that has to get permission from the private drive homeowners for emergency vehicle access to this private property.

"That certainly would be in the public interest," he said.



Bowman said the city isn't the one who will have to get permission.

"It would be up to the developer to get permission to use their private drive," Bowman said Friday. "We (the city) have nothing to do with it. The property belongs to those private owners, and we can't force them to make the private drive available. That's a business matter between the adjacent property owners."

He continued to say the two access points to Danville Road that are in the subdivision plan may work.

"He (Brothers) has to do some studies looking at the distance between those access points," Bowman said.

During Tuesday's meeting, Planning Commission member Forrest Temple suggested Brothers needs to add a deceleration lane off Danville Road because of the amount of traffic the subdivision will generate.

"We're looking for guidance so we can maximize the number of lots," Brothers replied. "We're pretty constrained about the connectivity and the requirements for stormwater retention."

After the discussion, the Planning Commission voted 7-0 to approve the 134-home final plat for the Idlewind subdivision, subject to conditions.

Borden said after the meeting that Brothers can submit a replacement plat meeting their conditions as long as the second entrance/exit is included to meet the city's fire code requirements.



As a condition for approval, the Planning Department also wants the developer to submit a traffic study for review and approval.

However, Brothers said the Decatur-area Metropolitan Planning Organization already has a traffic study, so he does not believe spending several thousand dollars on another study is necessary.

Bowman said Brothers will have to do his own traffic study before the city will let him go forward with his development.



Jimmy, I can help you get this into Word, but I can't directly operate your computer or trigger copy/paste actions. What I *can* do is give you a perfectly clean block of text so you can **Ctrl+A → Ctrl+C → Ctrl+V** straight into Microsoft Word without any formatting issues.

Here is the full ink-friendly checklist again, in a single clean block, optimized for selecting and pasting:

2009 IFC Appendix D – Fire Apparatus Access Road Checklist
Printer-Ready Compliance Checklist (Decatur, Alabama)

1. Access Road Quantity Requirements

- ☐ Subdivision has 30 homes or fewer – One access road allowed
- ☐ Subdivision has 31–200 homes – Two separate access roads required (D104.1)
- ☐ Subdivision has more than 200 homes – Three separate access roads required (D104.2)
- ☐ Access roads are geographically separate
- ☐ No single point of failure (railroad, bridge, gate, flood zone, culvert, etc.)

2. Roadway Dimensions.

- ☐ Minimum road width: 20 feet clear and unobstructed (D103.1)
- ☐ Vertical clearance: 13 ft 6 in
- ☐ Road surface supports 75,000 lbs (fire apparatus)
- ☐ Roadway maintained year-round (snow, debris, erosion)

3. Grade and Turning Requirements

- ☐ Maximum grade: 10% unless approved (D103.2)
- ☐ Minimum turning radius:
 - 28 ft inside radius
 - 50 ft outside radius (D103.3)
- ☐ No turns restricting ladder truck access

4. Dead-End Roads

- ☐ Dead-end length 150 ft or less – No turnaround required
 - ☐ Dead-end length more than 150 ft – Approved turnaround required (D103.4)
- Approved turnaround types:
- Hammerhead T
 - Hammerhead Y
 - Cul-de-sac (96 ft diameter)
 - Other approved design

5. **Gates and Controlled Access**

- ☐ Gate approved by Fire Marshal (D103.5)
- ☐ Emergency override provided (Knox, radio, strobe, etc.)
- ☐ Gate width meets 20 ft minimum
- ☐ Gate opens during power failure
- ☐ No decorative features obstructing access

6. **Hydrant and Water Supply Access**

- ☐ Hydrants accessible from fire apparatus road
- ☐ Hydrant spacing meets IFC Chapter 5
- ☐ No parking or landscaping blocking hydrants
- ☐ Hose lay does not block apparatus movement

7. **Addressing and Visibility**

- ☐ Street names posted and visible
- ☐ House numbers visible from access road
- ☐ Vegetation does not obstruct signage

8. **Additional Fire Marshal Requirements**

- ☐ Terrain, congestion, or hazards reviewed
- ☐ Secondary access required if primary route is vulnerable
- ☐ Wildland-urban interface conditions evaluated
- ☐ Traffic calming devices reviewed (speed bumps, islands, chokers)

9. **Final Approval**

- ☐ Plans reviewed by Decatur Fire Marshal
- ☐ Access roads installed before vertical construction
- ☐ Roads maintained during construction
- ☐ Final inspection completed and approved

You can now **select all of the above**, copy it, and paste directly into Word.

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For **ITE Land Use Code 210 – Single-Family Detached Housing**, a commonly used average weekday trip generation rate is about **9.5–10.0 vehicle trips per dwelling unit per day**. [docest.com]

Using that range for **144 single-family homes**:

Trip Rate	Calculation	Daily Trips
9.57 trips/unit/day	144×9.57	1,378 trips/day
10.0 trips/unit/day	144×10.0	1,440 trips/day

Therefore, a reasonable ITE-based estimate is approximately **1,380–1,440 average weekday vehicle trips per day**, with **about 1,380 daily trips** often used when applying the standard ITE rate for single-family detached housing. [docest.com]

If you are preparing a traffic impact study, I can also estimate the **AM and PM peak-hour trips** for the 144-home development.

For **ITE Land Use 210 (Single-Family Detached Housing)**, a commonly used weekday rate is about **9.57 trips per dwelling unit per day**. [docest.com]

For **144 homes**:

- **Average Daily Trips (ADT) $\approx 144 \times 9.57 = 1,378$ trips/day**

Typical ITE peak-hour percentages for single-family detached housing are approximately:

Period	Rate (Trips/Dwelling Unit)	144 Homes
AM Peak Hour	$\sim 0.75\text{--}1.0$	108–144 trips
PM Peak Hour	$\sim 1.0\text{--}1.1$	144–158 trips

A commonly accepted planning-level estimate would be:

- **AM Peak Hour: $\sim 115\text{--}125$ trips**
 - About 25% inbound / 75% outbound (residential commute pattern)
- **PM Peak Hour: $\sim 145\text{--}155$ trips**
 - About 65% inbound / 35% outbound

Using the midpoint:

Peak Hour	Total Trips	Inbound	Outbound
------------------	--------------------	----------------	-----------------

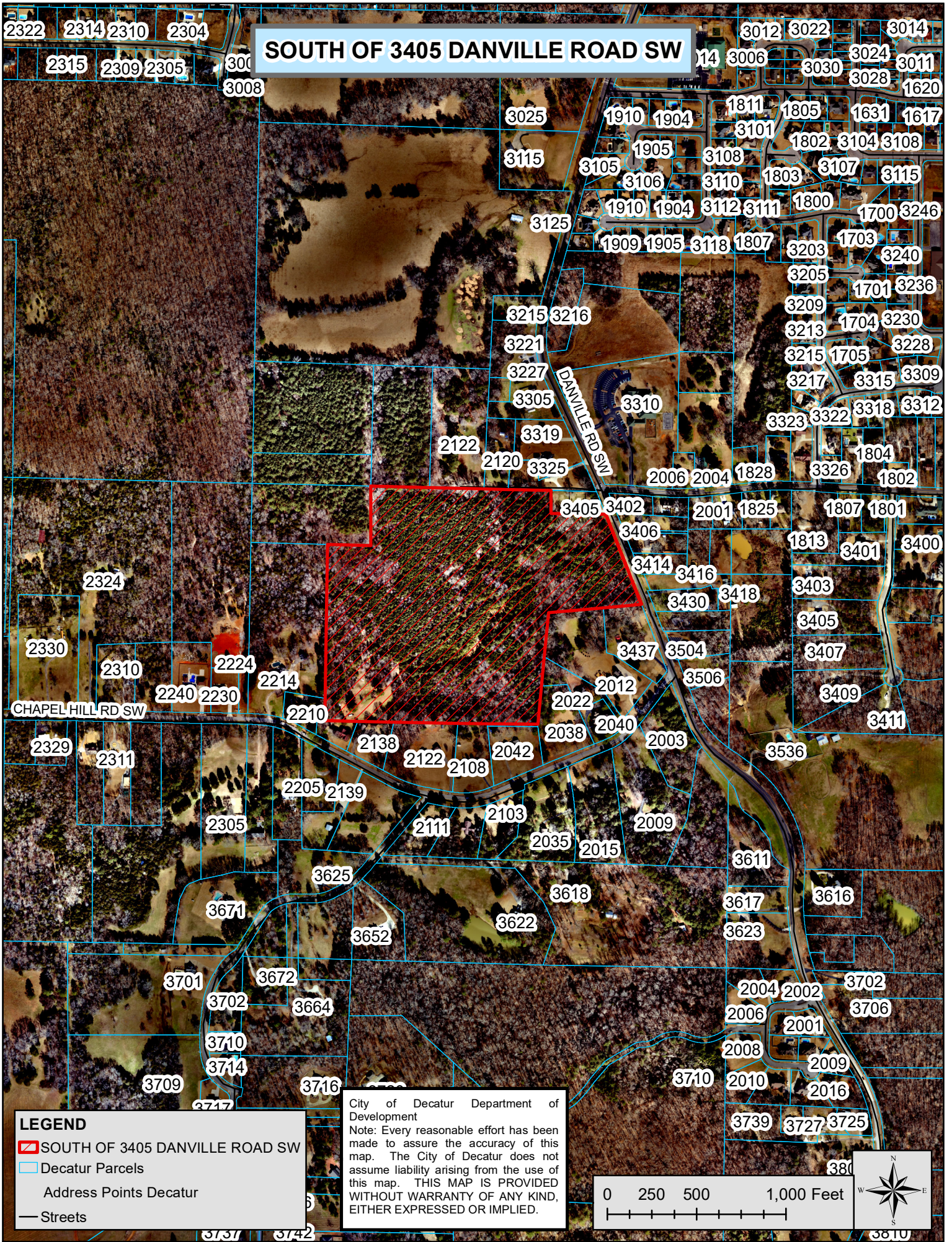
AM	120	30	90
PM	150	98	52

So, for a **144-lot single-family subdivision**, a reasonable traffic study estimate is:

- **1,380 daily trips**
- **120 AM peak-hour trips**
- **150 PM peak-hour trips**

Actual values should be confirmed using the specific edition of the ITE *Trip Generation Manual* required by the reviewing agency, as rates vary slightly between editions.

SOUTH OF 3405 DANVILLE ROAD SW



LEGEND

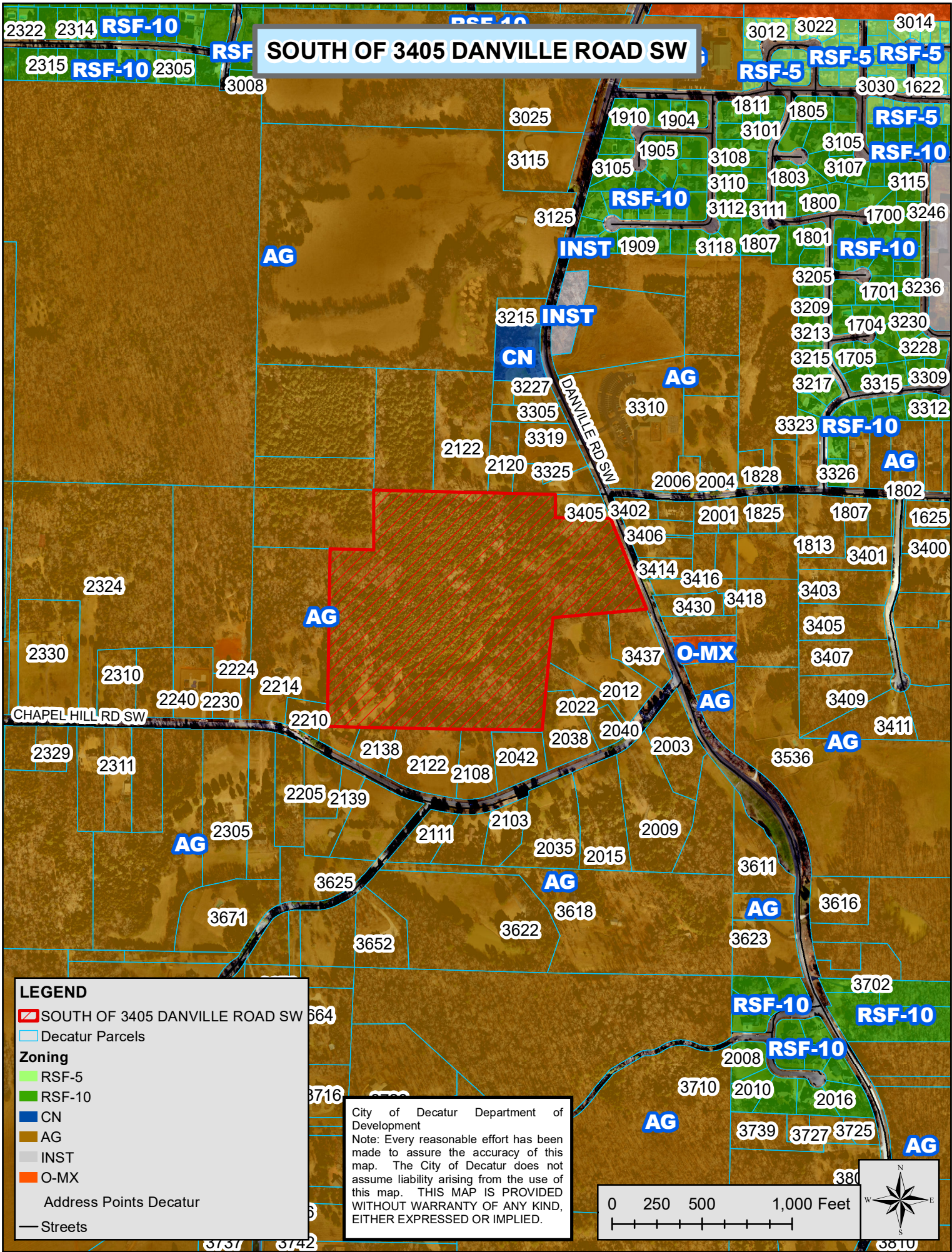
- ▨ SOUTH OF 3405 DANVILLE ROAD SW
- ▭ Decatur Parcels
- Address Points Decatur
- Streets

City of Decatur Department of Development
 Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.

0 250 500 1,000 Feet



SOUTH OF 3405 DANVILLE ROAD SW







STATE OF ALABAMA)
COUNTY OF MORGAN)

I, Jon C. Richards, a Professional Land Surveyor of Decatur, Alabama, hereby certify that the foregoing is a true and correct map or plat of the following described real estate, situated within Section 11, Township 6 South, Range 5 West, Decatur, Morgan County, Alabama, and more particularly described as follows, to-wit:

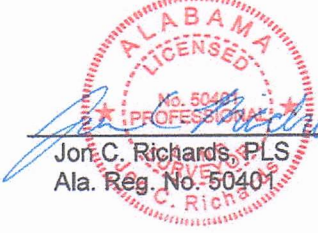
A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 5 WEST, MORGAN COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS") AT THE SOUTHWEST CORNER OF THE EAST 15 ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED:

THENCE FROM THE TRUE POINT OF BEGINNING ALONG THE SOUTH BOUNDARY OF THE NORTH HALF OF SAID NORTHEAST QUARTER NORTH 88 DEGREES 36 MINUTES 22 SECONDS WEST (ALABAMA STATE PLANE GRID, WEST ZONE [NAD83]) A DISTANCE OF 289.73 FEET TO A CAPPED IRON PIN; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY NORTH 89 DEGREES 32 MINUTES 47 SECONDS WEST A DISTANCE OF 528.61 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE CONTINUING ALONG SAID SOUTH BOUNDARY NORTH 87 DEGREES 54 MINUTES 10 SECONDS WEST A DISTANCE OF 396.52 FEET TO A 2 INCH IRON PIPE; THENCE NORTH 03 DEGREES 01 MINUTES 32 SECONDS EAST A DISTANCE OF 1002.79 FEET TO A CAPPED IRON PIN ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE ALONG SAID SOUTH LINE SOUTH 88 DEGREES 26 MINUTES 07 SECONDS EAST A DISTANCE OF 222.35 FEET TO A 2 INCH IRON PIPE ON THE EAST LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG SAID EAST LINE NORTH 00 DEGREES 48 MINUTES 36 SECONDS EAST A DISTANCE OF 329.43 FEET TO A 3/4 INCH REBAR ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE SOUTH 87 DEGREES 59 MINUTES 08 SECONDS EAST A DISTANCE OF 669.74 FEET TO A 3/8 INCH REBAR; THENCE SOUTH 88 DEGREES 37 MINUTES 55 SECONDS EAST A DISTANCE OF 129.68 FEET TO A CAPPED IRON PIN; THENCE SOUTH 88 DEGREES 29 MINUTES 40 SECONDS EAST A DISTANCE OF 214.73 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE SOUTH 01 DEGREES 30 MINUTES 21 SECONDS WEST (PASSING A CAPPED IRON PIN (STAMPED "REFERENCE PIN AL/CA0021/LS") AT A DISTANCE OF 120.00 FEET) A TOTAL DISTANCE OF 125.00 FEET TO A POINT; THENCE SOUTH 88 DEGREES 29 MINUTES 40 SECONDS EAST (PASSING A CAPPED IRON PIN (STAMPED REFERENCE PIN AL/CA0021/LS") AT A DISTANCE OF 297.24 FEET) A TOTAL DISTANCE OF 302.24 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY MARGIN OF DANVILLE ROAD; THENCE ALONG SAID RIGHT-OF-WAY MARGIN SOUTH 21 DEGREES 34 MINUTES 03 SECONDS EAST A DISTANCE OF 571.61 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE LEAVING SAID MARGIN SOUTH 86 DEGREES 16 MINUTES 20 SECONDS WEST A DISTANCE OF 524.47 FEET TO A 2 INCH IRON PIPE; THENCE SOUTH 05 DEGREES 57 MINUTES 05 SECONDS WEST A DISTANCE OF 622.96 FEET TO THE TRUE POINT OF BEGINNING, AND CONTAINING 41.17 ACRES MORE OR LESS

That there are no encroachments by buildings on adjoining property; that there are no rights of ways, easements, or joint driveways over or across said lot visible on the surface except as shown on the plat,

And I further state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

According to my survey, this the 4TH day of December, 2025.


Jon C. Richards, PLS
Ala. Reg. No. 50401



-

Scale 1" = 250'

PLIGHTWRIGHTMCANALLY.COM

Board of Zoning
Adjustment Staff
Report



Variance 260825-02

MEETING DATE: August 25th, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: Kevin & Carrie Naumann

SUBJECT ADDRESS: 2205 Birch Street SE

REQUEST: Variance request to allow a reduction in the rear setback by 5-feet and a reduction in side yard setbacks by 3-feet to allow construction of an accessory structure.

CURRENT ZONING: RS-10 (Residential Single Family)

LOCATION: 2205 Birch Street, Decatur, AL 35603

SURROUNDING LAND North: RS-10 (Residential Single Family)

USES AND ZONING: South: RS-10 (Residential Single Family)

East: RS-10 (Residential Single Family)

West: RS-10 (Residential Single Family)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to allow an accessory structure to be constructed 5 feet from the side and rear property lines, resulting in a 3-foot encroachment into the required 8-foot side setback and a 5-foot encroachment into the required 10-foot rear setback.

APPLICANT'S HARDSHIP (FROM APPLICATION):

Board of Zoning Adjustment
City of Decatur
402 Lee Street NE
Decatur, Alabama 35601

RE: Setback Variance Appeal Description
Project name: Kevin Naumann - 2205 Birch Street SE
Project #: PPP-112R-26

Dear Board Members,

We are requesting setback variances for an accessory structure to be constructed on Mr. Naumann's property. The proposed structure will have overall dimensions of 28 feet by 32 feet, resulting in an approximate area of 896 square feet. The structure will be taller than 12 feet to match the eve height and roof pitch of the existing home. We are seeking a variance to reduce both side and rear setbacks to 5 feet, requesting a 5-foot reduction on the rear and a 3 foot reduction on the side.

A "green space" between the house and this structure is planned for grass and landscaping. In order to maintain enough room for mower access, the proposed building will be 12.95' from the existing house.

Having the alley in the rear of the property also serves as a buffer between Mr. Naumann and his neighbor. So, there would still be more than 10 feet between his structure and their property.

Granting this variance would allow the Mr. Naumann to construct a building that matches his existing house and the character of the neighborhood, and also maintain use of his backyard.

ZONING ORDINANCE REFERENCED- Sec. 25-4.3.3 (c) (4) General Standards for All Accessory Uses and Structures

Sec. 25-4.3.3. General Standards for All Accessory Uses and Structures

(a) Applicability

The standards in this section apply to all accessory uses and structures.

(b) Not Established Prior to Principal Use

Accessory uses and structures shall not be established prior to the establishment of the principal use on the lot.

(c) Location on Lot

(1) Except for fences and accessory structures identified in subsection (2) below, accessory structures shall comply with the minimum front setback requirements that apply to principal structures in the zoning district in which the structure is located. In Residential districts, accessory structures located in a front yard shall not exceed four feet in height, except as otherwise provided by this Ordinance.

(2) Flag poles, mailboxes, basketball standards, and similar freestanding structures may be located in the minimum required front setback.

(3) Subject to subsections (4) and (5) below, accessory structures shall be set back a minimum of five feet from all side and rear lot lines.

(4) Accessory structures greater than 12 feet in height shall be set back from all side and rear lot lines a minimum distance of ten feet or the applicable minimum setback for principal structures in the district in which the structure is located, whichever is less.

(5) A carport, porte-cochere, porch, or similar structure that is attached to or situated within five feet of the principal structure on the lot shall be considered as a part of the principal structure and shall be subject to the minimum setback requirements of the district in which it is located.

(d) Maximum Height

(1) Except as otherwise provided by this Ordinance, accessory structures shall be subject to the same maximum building height standards that apply to principal structures in the district in which they are located.

(2) In Residential districts, an accessory structure shall not be taller than the tallest structure housing a principal use on the lot.

ANALYSIS:

The applicant is requesting a variance to encroach 5 feet into the rear setback and 3 feet into the side-yard setback. The applicant proposes to construct an 896-square-foot accessory structure with a height of approximately 12.95 feet, matching the eave height and roof pitch of the existing home.

The proposed structure is intended to complement the existing home and the character of the neighborhood while preserving the functional use of the backyard. Based on the lot configuration and the proposed placement, the accessory structure could be located within the applicable zoning setbacks without requiring the requested variances. The requested variances therefore appear to be associated with the applicant's preferred placement and design of the structure rather than a limitation created by the property's configuration.

RECOMMENDATION

Based on the analysis above, staff recommends denial of the requested variance to allow the proposed accessory structure to encroach 5 feet into the rear setback and 3 feet into the side-yard setback. The property appears to have sufficient area to accommodate the proposed structure while meeting the required setbacks. The requested variances are related to the preferred placement of the structure rather than a condition of the property that requires relief from the zoning requirements.

Variance Application – Board of Zoning Adjustment (BZA)

City of Decatur, Planning & Development Department
402 Lee Street NE
Decatur, AL 35602
(256) 341-4720 / Planning@decatur-al.gov



Location of Subject Property: 2205 Birch Street SE, Decatur, AL 35601

Name of Applicant(s): Pugh Wright McAnally Phone: 256-353-3937

Address: 310 8th Ave NE, Decatur, AL 35601 Email: jonr@pughwrightmcanally.com

Name of Owner(s): Kevin & Carrie Naumann Phone: 256-466-6641

Address: 2205 Birch Street SE, Decatur, AL 35601 Email: knaumann@reptechinc.com

The applicant will be the point of contact for all communication with city staff

Current Zoning: RSF-1C Total Acreage: 0.40 Current Use of Property: Residential

Review the Decatur Zoning Ordinance, specifically Sec. 25-2.4.16

Any variance granted shall be the minimum adjustment necessary to enable the legal use of the land, building, or structure. The Board may prescribe any safeguard that it deems necessary to secure substantially the spirit of the zoning ordinance or provisions to which the variance applies. There must be proof of unnecessary hardship. The hardship complaint cannot be self-created.

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape, or topography)?
2. How would the application of the Zoning Ordinance of the City of Decatur to this particular piece of property create an unnecessary hardship?
3. What conditions are peculiar to this particular piece of property? *(attach extra pages as needed to answer questions)*

"Any party aggrieved by any final judgment or decision of such board of zoning adjustment may within 15 days thereafter appeal therefrom to the circuit court by filing with such board a written notice of appeal specifying the judgment or decision from which the appeal is taken." (Code of Alabama § 11-52-81)

All items must be marked as included or understood:

*The deadline to apply for the next meeting is: 08 / 10 / 26

*The date of the next available meeting is: 08 / 25 / 26

- ☒ Proof of Ownership
- ☒ Designation of Agent Form (mark N/A if not applicable)
- ☒ Accurate, scaled site plan showing all necessary information, including property lines, existing & proposed structures, dimensions, and any additional information that would be helpful to the BZA in making a decision
- ☒ Fee
- ☒ I agree to allow the City to place a sign or signs on this property notifying the public of this request
- ☒ Applicant must attend meeting
- ☒ I have read the guidelines referenced in Sec. 25-2.4.16 in the City of Decatur Zoning Ordinance

I have read the above statements and warrant in good faith that I understand and will comply, and that the information submitted is true and correct. I acknowledge that it is my responsibility to supply competent and credible evidence to inform the BZA of the nature and degree of the hardship and the variance sought, and to demonstrate that the use of the property will not substantially impair the intent and purpose of the Zoning Ordinance.

Applicant Signature: Jon L. McAnally Date: 8 / 10 / 26

STATE OF ALABAMA

COUNTY OF Morgan

I, Kimberly A. Farris, a Notary Public in and for said State at Large, hereby certify that _____, whose name is signed to the foregoing document, and

☒ Who is known to me, or

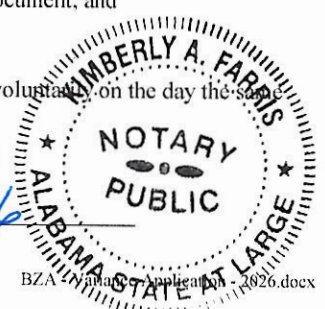
☒ Whose identity I proved on the basis of _____

and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 10th day of August, 2026.

Kimberly A. Farris, Notary Public

My Commission Expires: 12/05/26



August 10th, 2026

Board of Zoning Adjustment
City of Decatur
402 Lee Street NE
Decatur, Alabama 35601

RE: Setback Variance Appeal Description
Project name: Kevin Naumann – 2205 Birch Street SE
Project #: PPP-112R-26

Dear Board Members,

We are requesting setback variances for an accessory structure to be constructed on Mr. Naumann's property. The proposed structure will have overall dimensions of 28 feet by 32 feet, resulting in an approximate area of 896 square feet. The structure will be taller than 12 feet to match the eve height and roof pitch of the existing home. We are seeking a variance to reduce both side and rear setbacks to 5 feet, requesting a 5-foot reduction on the rear and a 3 foot reduction on the side.

A "green space" between the house and this structure is planned for grass and landscaping. In order to maintain enough room for mower access, the proposed building will be 12.95' from the existing house.

Having the alley in the rear of the property also serves as a buffer between Mr. Naumann and his neighbor. So, there would still be more than 10 feet between his structure and their property.

Granting this variance would allow the Mr. Naumann to construct a building that matches his existing house and the character of the neighborhood, and also maintain use of his backyard.

Sincerely,



Jon C. Richards, PLS
Pugh Wright McAnally, Inc

Tran: 22543.498564.651692 CLERK: Rea

REC:\$6.00 DFE:\$490.00 NTX:\$0.00 AFF:\$5.00 FIL:\$1.00 MISC:\$0.00 TOTAL:\$502.00

Real Estate Sales Validation Form*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name	<u>Mackenzie Nelson Howard</u> <u>Trenton Lee Howard</u>	Grantee's Name	<u>Kevin C. Naumann</u> <u>Carrie S. Naumann</u>
Mailing Address	<u>2205 Birch Street SE</u> <u>Dacula, AL 35603</u>	Mailing Address	<u>2205 Birch Street SE</u> <u>Dacula, AL 35603</u>
Property Address	<u>2205 Birch Street SE</u> <u>Dacula, AL 35603</u>	Date of Sale	<u>07/29/22</u>
		Total Purchase Price	\$ <u>490,000.00</u>
		or	
		Actual Value	\$ _____
		or	
		Assessor's Market Value	\$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- ☐ Bill of Sale
 ☐ Appraisal
☒ Sales Contract
 ☐ Other
☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available. Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 07/29/22Print Ernest N. Ball

____ Unattested

Sign

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, Jon C. Richards, a Professional Land Surveyor of Decatur, Alabama, hereby certify that the foregoing is a true and correct map or plat of the following described real estate, situated within Section 28, Township 5 South, Range 4 West, Decatur, Morgan County, Alabama, and more particularly described as follows, to-wit:

LOT 26 OF REPLAT OF AN ADDITION OF PENNY ACRES SUBDIVISION, MORGAN COUNTY, ALABAMA, FOR DECATUR LAND COMPANY, LTD., AS SHOWN BY MAP OR PLAT IN THE OFFICE OF THE JUDGE OF PROBATE FOR MORGAN COUNTY, ALABAMA IN PLAT BOOK 2, PAGE 51.

AND

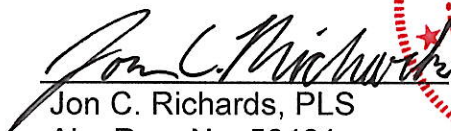
TEN (10) FEET IMMEDIATELY NORTH OF SAID LOT DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 26, THENCE NORTH 08 DEGREES 49 MINUTES 18 SECONDS WEST A DISTANCE OF 10.00 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 744.47 FEET, (CHORD BEARING SOUTH 78 DEGREES 22 MINUTES 30 SECONDS WEST A CHORD DISTANCE OF 71.40 FEET) AN ARC DISTANCE OF 71.42 FEET TO A (STAMPED "PWM AL/CA0021/LS"); THENCE PARALLEL WITH THE NORTH LINE OF SAID LOT 26 SOUTH 75 DEGREES 37 MINUTES 35 SECONDS WEST A DISTANCE OF 46.30 FEET TO A (STAMPED "PWM AL/CA0021/LS"); THENCE SOUTH 14 DEGREES 19 MINUTES 16 SECONDS EAST A DISTANCE OF 10.00 FEET TO A CAPPED IRON PIN AT THE NORTHWEST CORNER OF SAID LOT 26; THENCE ALONG THE NORTH LINE OF SAID LOT 26 NORTH 75 DEGREES 37 MINUTES 35 SECONDS EAST A DISTANCE OF 46.29 FEET TO A (STAMPED "PWM AL/CA0021/LS"); THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 734.47 FEET, (CHORD BEARING NORTH 78 DEGREES 22 MINUTES 28 SECONDS EAST A CHORD DISTANCE OF 70.43 FEET) AN ARC DISTANCE OF 70.45 FEET TO THE TRUE POINT OF BEGINNING, AND CONTAINING 0.03 ACRES MORE OR LESS

That the building to be constructed on said lot is shown on the above plat; that there are no encroachments by buildings on adjoining property; that there are no rights of ways, easements, or joint driveways over or across said lot visible on the surface except as shown on the plat.

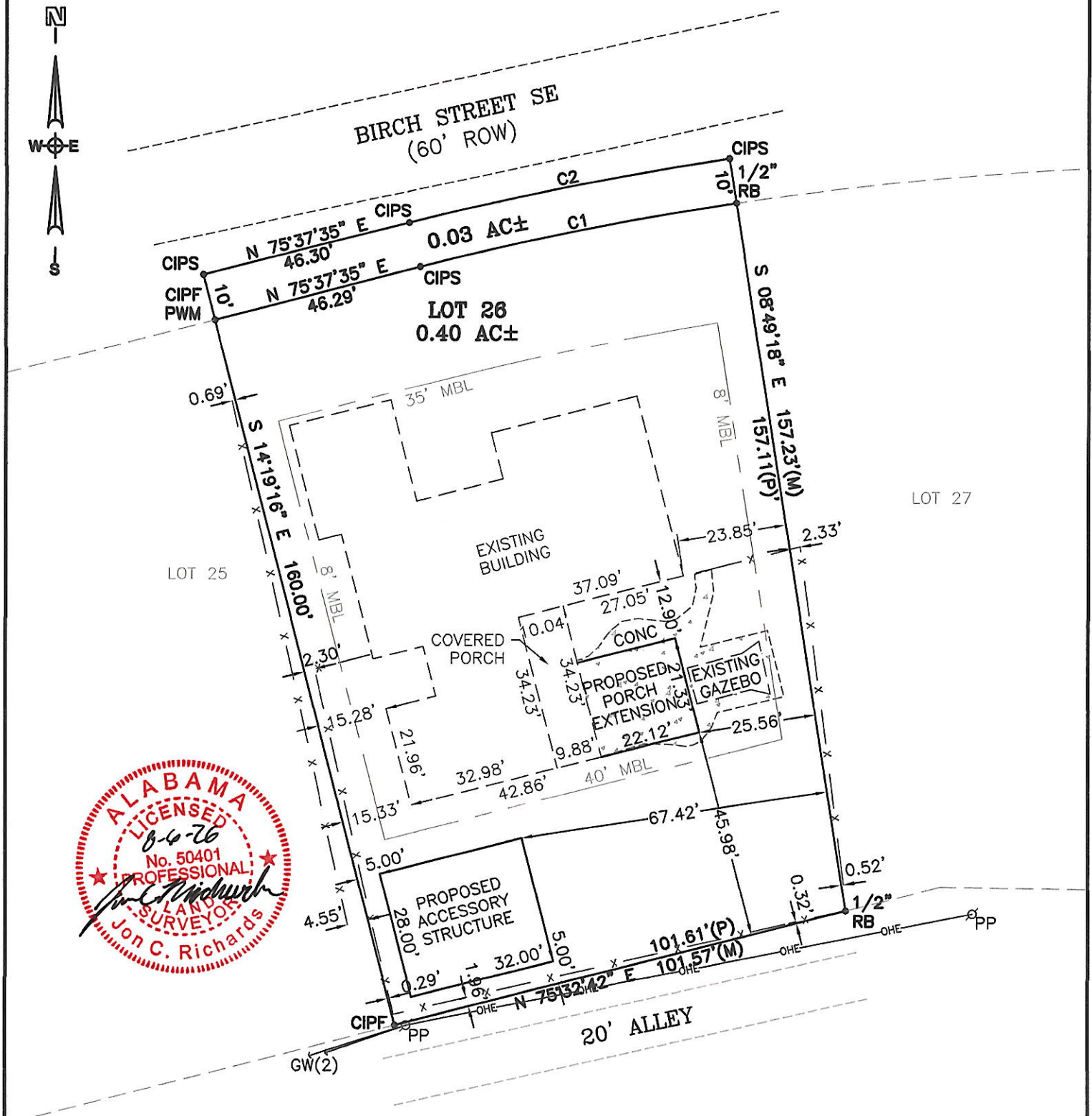
And I further state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

According to my survey, this the 6th day of August, 2026.


Jon C. Richards, PLS
Ala. Reg. No. 50401



Pugh Wright McAnally Job No. PPP-112R-26
Page 1 of 2



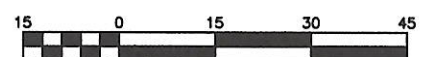
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	734.47'	70.45'	70.43'	N 78°22'28" E	5°29'46"
C2	744.47'	71.42'	71.40'	N 78°22'30" E	5°29'49"

GENERAL NOTES

1. NORTH REFERENCE IS ALABAMA STATE COORDINATE GRID—WEST ZONE (NAD1983) AS DETERMINED BY GNSS OBSERVATIONS.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
3. SOURCE OF INFORMATION USED FOR SURVEY: D.B. 2022, PG 8742; P.B. 2, PG 51
4. NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN
5. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
6. THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
7. UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT AFFECT THE USE OF THIS PROPERTY WERE NOT LOCATED. THE UNDERSIGNED ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THIS PROPERTY.
8. FIELD WORK WAS COMPLETED ON MAY 22, 2026.
9. REVISED TO MOVE PROPOSED ACCESSORY STRUCTURE CLOSER TO PROPERTY LINE.

LEGEND

CIPS	CAPPED IRON PIN SET
CIPF	CAPPED IRON PIN FOUND
RB	REBAR FOUND
(P)	PLAT
(M)	MEASURED
x	FENCE
GW	DOWN GUY
OHE	OVERHEAD ELECTRIC
PP	POWER POLE



Scale 1" = 30'

PROPOSED PLOT PLAN -- KEVIN NAUMANN -- 2205 BIRCH STREET

DRAWING DATE: 08-06-26 | DRAWN BY: JCR | APPROVED BY: JCR | JOB No. PPP-112R-26 | SCALE: 1"=30' | PAGE 2 OF 2

Board of Zoning
Adjustment Staff
Report



Special Exception 260825-03

MEETING DATE: August 25th, 2026
PETITIONER: Michael McBrayer
PROPERTY OWNER: 46 Entertainment, Inc
SUBJECT ADDRESS: 3427 Gordon Terry Pkwy
REQUEST: Special exception to have a special event (Music festival) in an AG zone
CURRENT ZONING: AG (Agriculture)
LOCATION: 3427 Gordon Terry Pkwy

SURROUNDING LAND North: AG (Agriculture)
USES AND ZONING: South: AG (Agriculture)
East: AG (Agriculture)
West: Unincorporated

DEVELOPMENT STATUS & HISTORY:

Previous Requests:

DESCRIPTION OF SPECIAL EXCEPTION REQUEST:

Request for a special exception to hold a special event (music festival) on property located within an Agricultural (AG) zoning district.

ZONING ORDINANCE REFERENCED- Sec. 25-4.3.3 (c) (4) General Standards for All Accessory Uses and Structures

TABLE 25-4.4.2(b): TEMPORARY USES AND STRUCTURES

TEMPORARY USE OR STRUCTURE	AG	RESIDENTIAL							IN-ST	BUSINESS					INDUS-TRIAL	PLANNED DEVELOP-MENT			USE-SPECIFIC STANDARDS			
	AG	RS-E	RS-10	RS-7	RS-5	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	—	R-PD	MEC-PD	TN-PD	
Flea market, temporary											P	P	P	P	P				P	P		Sec. 25-4.4.4(c)
Mobile food vending site	P									P	P	P	P	P	P	P	P	P	P	P		Sec. 25-4.4.4(d)
Model sales home/unit		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 25-4.4.4(e)
Sales, outdoor											P	P	P	P	P				P	P		Sec. 25-4.4.4(f)
Seasonal sale										P	P	P	P	P	P				P	P		Sec. 25-4.4.4(g)
Special event	S									S	S	S	S	S	S	S	S		S	S		Sec. 25-4.4.4(h)
Storage in portable shipping container		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 25-4.4.4(i)
Temporary occupancy business										P	P	P	P	P	P	P	P	P	P	P		
Yard Sale		P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	Sec. 25-4.4.4(k)

ANALYSIS:

The applicant is requesting a Special Exception Permit to allow the annual “Rock the South” special event on property zoned Agricultural (AG) within the City of Decatur.

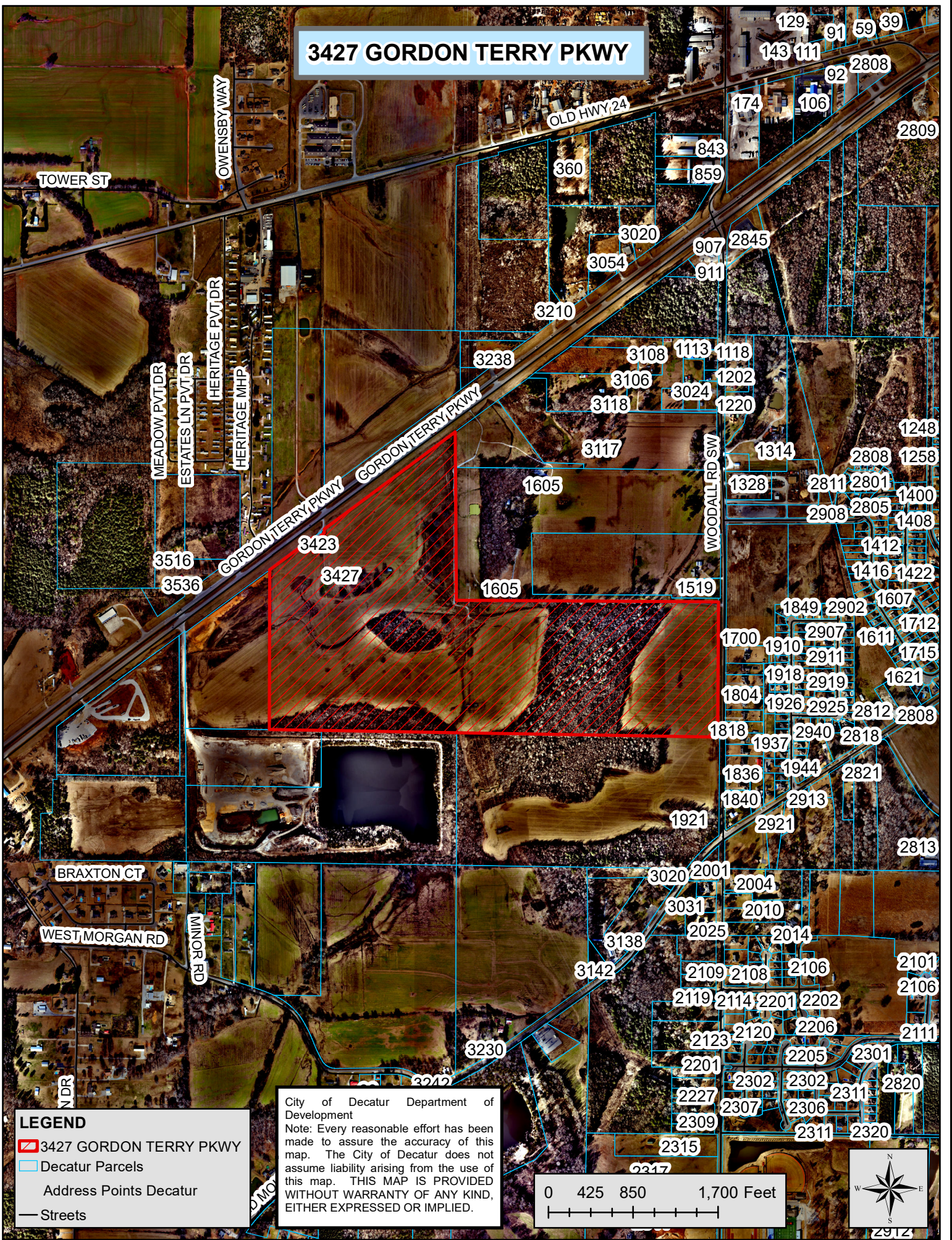
Under the City of Decatur Zoning Ordinance, a Special Event is identified as a Special Exception Use within the AG District. The requested approval is intended to recognize Rock the South as an annual recurring event, so the applicant would not be required to return to the Board of Zoning Adjustment each year for the Rock the South event, provided the event continues to operate in accordance with any approved conditions and applicable City requirements.

This approval would not authorize other special events on the property. Any special event other than the approved annual Rock the South event would require a separate Special Exception approval from the Board of Zoning Adjustment prior to the event.

RECOMMENDATION

The Planning Department recommends approval of the Special Exception for the annual Rock the South event, subject to any conditions of approval. Any additional or separate special event not specifically authorized by this approval shall require separate approval by the Board of Zoning Adjustment.

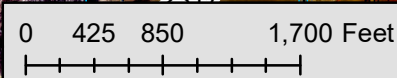
3427 GORDON TERRY PKWY



LEGEND

- 3427 GORDON TERRY PKWY
- Decatur Parcels
- Address Points Decatur
- Streets

City of Decatur Department of Development
 Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.



3427 GORDON TERRY PKWY

