



Board of Zoning Adjustment

BOARD OF ZONING ADJUSTMENT

October 28th, 2025

Pre-meeting – 3:30 p.m. (7th Floor)

Meeting – 4:00 p.m. (Council Chambers)

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MINUTES SEPTEMBER 2025

MEMBERS PRESENT: Chair Delayne Dean, Mr. Chester Ayers, Mr. Mark McCurry, and Mr. Tom Polk

SUPERNUMERARIES: Mrs. Erika Huber, and Mr. Mark Moody

OTHERS PRESENT: Mrs. Ruth Priest, Assistant City Attorney
Mr. Tommie Williams Planner
Mr. Josiah Harris Planning Technician
Mr. John Waggoner Inspector Manager & Recorder
Mr. Jonathon Dry Building Inspector

Chair Delayne Dean called the meeting to order at 4:04 p.m. in the Council Chambers on the first floor at City Hall.

Chair asked that role be called. Present as noted above.

Chair asked if the August 2025 minutes required any corrections. There were no corrections made. Mr. Tom Polk motioned to approve the minutes. Mr. Mark McCurry made a second. On a voice vote, all Yes, the motion carried. The minutes from the August 2025 meeting were approved.

CASE NO. 1

Application and appeal of Brett Whitlow for a variance from Section 25-2 to construct an accessory structure in the side yard. Property is located at 109 4th Avenue NW in an R-4, Residential Multi-Family District.

Brett Whitlow presented this case to the Board. Mr. Whitlow stated his name and address as 109 4th Avenue NW. Mr. Whitlow stated he is asking for a variance to place a garage next to his home for storage. Chair asked for questions from the Board. Chair asked why the structure could not be moved into the rear yard. Mr. Whitlow stated there is a large tree and power lines in the back yard. Tom Polk asked how access to 4th Avenue could be achieved. Mr. Whitlow stated he would seek Engineering's approval if the variance were granted. Tom Polk asked if the power line was the service drop to the home. Mr. Whitlow stated it is the service drop to neighbor's homes and underground to his. Tom Polk asked if the power lines would interfere with garage being placed in the rear yard. Mr. Whitlow stated it could potentially affect rear yard placement. Tom Polk stated the proposed building is quite large. Mr. Whitlow stated there was a bigger house on that lot. Chair asked if attaching the garage had been considered. Mr. Whitlow stated that had been proposed but not feasible at this time.

Chair asked for any other questions from the Board. None. Chair asked for comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. Tommie Williams stated the applicant did go before the

Planning Commission to consolidate the lots. Tommie Williams expressed concerns over the size of the structure and impact to the character of the neighborhood. Chair asked what type of materials would be used for the building. Mr. Whitlow stated steel siding but was not opposed to matching the home. Tom Polk asked if this would be a pole barn. Mr. Whitlow stated that is his desire. Chester Ayers asked, would you be opposed to moving the structure closer to the house? Mr. Whitlow stated he is not opposed. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve as submitted. Mark Moody made a second. Chair called for role. Delayne Dean, No. Mark Moody, Yes, Tom Polk, No. Chester Ayers, Yes. Mark McCurry, Yes. The motion was Denied.

CASE NO. 2

Application and appeal of Laron Hardy for a use permitted on appeal from Section 25-11 to operate a restaurant business. Property is located at 802 6th Avenue SE in a B-1, Local Shopping District.

Laron Hardy presented this case to the Board. Mr. Hardy stated his name and ownership of a building on the corner of 6th Avenue and 4th Street SE. Mr. Hardy stated the building has been in commercial use for forty years. Mr. Hardy stated his tenant would like to use the building as a vegetarian café. Mr. Hardy stated he owns the property next door and parking should not be an issue.

Chair asked for questions from the Board. None. Chair asked for comments from the public. None. Chair asked for comments from the Building Department. None. Chair asked for comments from the Planning Department. None. Chair closed call for public testimony. Chair asked the Board for its ruling. Chester Ayers made a motion to approve as submitted. Tom Polk made a second. Chair called for role. All Yes, the motion was approved.

CASE NO. 3

Application and appeal of Lennar Homes for a 5 feet front yard setback variance from Section 25-10.10 (2) (c) to construct a new single family residence. Property is located at 220 Clear Creek Drive SW in an R-3, Single Family District.

Nathan Tomberlin presented this case to the Board. Mr. Tomberlin stated his name and representation of Lennar Homes. Mr. Tomberlin stated they are seeking a 5-foot front yard setback variance. Mr. Tomberlin stated FEMA requested fill to be removed from the floodway. Mr. Tomberlin stated the floodway has made it difficult to place the home on the lot and meet the setbacks.

Chair asked for questions from the Board. Tom Polk asked if FEMA had required the fill removal. Mr. Tomberlin stated yes, the floodway cannot have fill placed within it unless a study is done. Mr. Tomberlin stated the home would still be in the floodplain but elevated 1 foot above BFE. Mr. Tomberlin stated the footprint of the proposed home is the smallest plan available and they have looked at several options trying to make the house fit. Mr. Tomberlin stated the hardship is due to the removal of fill from the floodway. Tom Polk asked who placed fill in the floodway. Mr.

Tomberlin stated he was unsure if Lennar or the developer pushed fill into the floodway. Mark McCurry asked if that area stays wet. Mr. Tomberlin stated no, that area does not.

Chair asked for any other questions from the Board. None. Chair asked for comments from the public. None. Chair asked for comments from the Building Department. John Waggoner asked if the lot would need to be re-platted if granted. Tommie Williams stated it would be ideal to re-plat but not required. Tommie Williams asked if the proposed home would project past the existing homes. Mr. Tomberlin stated yes, by 5 feet but the home has a garage offset. Tommie Williams asked if the home could be made smaller. Mr. Tomberlin stated no, I believe it is the smallest floor plan available. There was further discussion and questions concerning floodplain. Tommie Williams asked what would happen if the variance was not granted. Mr. Tomberlin stated nothing could be built on the lot. Chair closed call for public testimony. Chair asked the Board for its ruling. Tom Polk made a motion to approve as submitted. Chester Ayers made a second. Chair called for role. All Yes, the motion was approved.

Chair asked for any other new business. None.

Meeting adjourned at 4:32 p.m.

Delayne Dean, Chair

AGENDA

CASE NO. 1

Application and appeal of Southern Hospitality Services, LLC for an 18 feet front yard setback variance from Section 25-21.1 (2) to construct a canopy structure for a new hotel. Property is located at the North West corner of the intersection of Beltline Place and Central Avenue SW in an M-1, Light Industry District.

CASE NO. 2

Application and appeal of Dodd Signs and Service, LLC for a:

1. 300.64 square feet attached sign area variance from Section 25-76 (e) (2)
2. and an 80 square feet directional sign area variance from Section 25-73 (2)

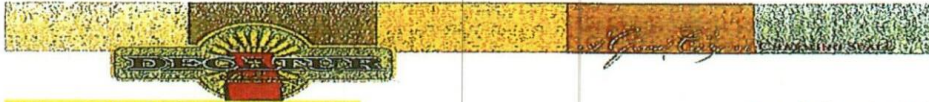
for a new Speedway project. Property is located at 3523 Deere Road SE in an M-1, Light Industry District.

CASE NO. 3

Application and appeal of Peachtree Entertainment, LLC for a use permitted on appeal from Section 25-12.1 for:

1. commercial amusement entertainment and/or an event venue
2. and a temporary trailer court for campground use in the month of the Rock the South event.

Property has a parcel ID of 02 08 28 0 000 010.000 and is located in an AG-1, Agricultural District.



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: SOUTHERN HOSPITALITY SERVICES, LLC (MR. PRITESH PATEL)
MAILING ADDR: 115 HOSPITALITY DR
CITY, STATE, ZIP: FLOWOOD, MS 39232
PHONE: 601-951-5040

PROPERTY OWNER: DECATUR BELTLINE PROPERTIES, LLC
OWNER ADDR: 2825 COBB INTERNATIONAL BLVD STE 105
CITY, STATE, ZIP: KENNESAW, GA 30152 PHONE: 770-500-9503

ADDRESS FOR APPEAL: CORNER OF CENTRAL PKWY SW & BELTLINE PL SW

NATURE OF APPEAL:

- ☐ 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)

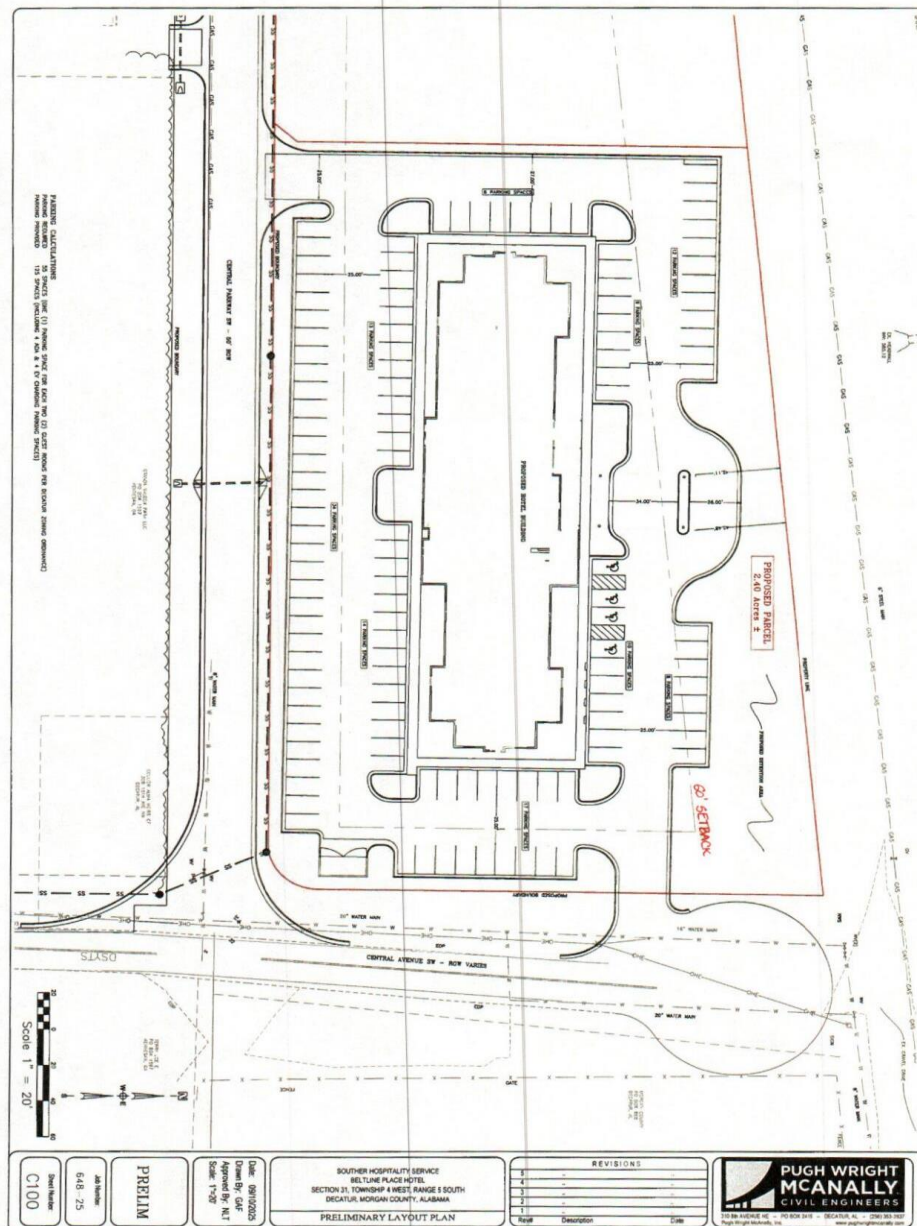
SEE BOZA APPLICATION LETTER ATTACHED

Applicant Name (print) PRITESH PATEL
Signature *Pritesh Patel*
Representative Name (print) PWM, GALYA FERGUSON
Signature *Galya Ferguson*
Date 10/10/2025

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

Office Use Received By: *[Signature]*
Zone M-1
Hearing Date 10/28/25
Approved/Disapproved

CASE NO. 1 CENTRAL PKWY. /BELTLINE PLACE



Site Plan



Hotel Rendering

October 10th, 2025

Mr. John Waggoner
City of Decatur
Building Department
402 Lee Street NE
Decatur, Alabama 35601

Re: Hardship Letter, Setback Variance Request

Parcel: 03-09-31-4-000-03-0003

Project: Proposed Hotel Development (Southern Hospitality LLC)

Location: Corner of Beltline Place and Central Parkway SW

Dear Mr. Waggoner and Members of the Board of Zoning Adjustment,

On behalf of Southern Hospitality LLC, the developer of the above-referenced property, we respectfully request consideration for a variance to the front setback requirement along Central Parkway SW. The current setback requirement is 60 feet, and we are requesting a reduction of 18 feet, resulting in a 42-foot setback to allow for the installation of a covered drop-off canopy at the hotel entrance.

The proposed development is a 110-room hotel located at the corner of Beltline Place and Central Parkway SW, a strategically important area for the City of Decatur. The project represents a significant private investment that will enhance local accommodations, attract visitors, and generate valuable revenue for the City. With Wilson Morgan Park directly across Highway 67 hosting numerous softball tournaments and events, and the new recreation center currently under construction at the park, this hotel will serve as a much-needed lodging option for participants and visitors to the area.

The requested variance is limited in scope and pertains only to the detached canopy structure, which is designed to provide safe and convenient guest access to the hotel's front entrance. The canopy is not physically attached to the building. Renderings can be provided to illustrate the design intent and how it complements both the hotel's architecture and the surrounding development pattern.

We believe this request constitutes a valid hardship. The City's planned improvements to Beltline Place and realignment of Central Parkway, which include removing the existing segment of Central Parkway currently in front of this property, were carefully considered during the design process. The property owner has entered into an agreement with the City of Decatur to dedicate a portion of land for the roadway widening project, reducing the developable area of the parcel. This right-of-way dedication directly impacts our ability to meet the existing setback, as the canopy encroachment results solely from the dedication required to accommodate the public improvements.

Moreover, once the Central Parkway loop is removed, the hotel site will have approximately 110 feet of separation between the edge of pavement of Highway 67 and the property line, creating a wide grassed buffer area that will exceed the setback distances of many other developments along the Beltline corridor. This future condition will ensure that the building and

canopy are well within a visually appropriate distance from the highway, maintaining both aesthetic and functional integrity.

It is also worth noting that several existing structures within Beltline Road currently have canopies extending slightly within the setback area..

In summary, the hardship arises from conditions not self-imposed by the owner but rather due to City desired roadway improvements and right-of-way dedication requirements. The requested variance allows the developer to provide safe guest access and preserve the site's design integrity while maintaining a generous visual buffer along the corridor.

We sincerely appreciate the Board's consideration of this request and welcome the opportunity to present additional materials, including architectural renderings and site plans, during the hearing.

Respectfully submitted,



Blake McAnally, PE, President
Pugh Wright McAnally, Inc



A Grand City with a Charming Scale

Board of Zoning Adjustment

APPLICANT: Peachtree Entertainment, LLC (Rock The South)
MAILING ADDR: 1234 Martin Street, Suite 420
CITY STATE ZIP: Nashville, TN 37203
PHONE: (256) 339-0147 / Michael McBrayer (Director of Government Relations)

PROPERTY OWNER: Peachtree Entertainment, LLC
OWNER ADDR: 1234 Martin Street, Suite 420
CITY STATE ZIP: Nashville, TN 37203
OWNER PHONE: Nathan Baugh (615) 948-6685

ADDRESS FOR APPEAL: Rock The South / The Fields At Decatur

NATURE OF APPEAL:

☐ 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)

Use permitted on appeal for amusement entertainment and event venue.

A temporary trailer court for the month of the event, for the use of the campground.

Applicant Name(print) Michael McBrayer
Signature Michael McBrayer
Representative Name(print) _____
Signature _____
Date 10/17/2025

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

Office Use
Received By [Signature]
Zone AG-1
Hearing Date 10/28/25
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 APPLICATION

October 22, 2025

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

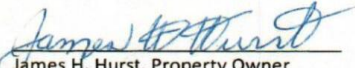
Re: Rock the South Project
Letter of Authorization

To Whom It May Concern:

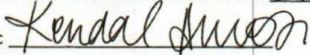
Please accept this letter as authorization for all entities comprising the Rock the South Project, including SNMN Holdings Group, LLC, 46 Entertainment, Inc., Peachtree Entertainment, LLC, Greenawalt Hospitality, LLC, Shane Quick, and Nathan Baugh, separately or jointly, to act as agent(s) in correspondence and representation to the Board of Zoning Adjustment of Decatur, Alabama required for the Rock the South project in Decatur, Alabama.

If you have any questions, please contact me at (256) ____ - ____.

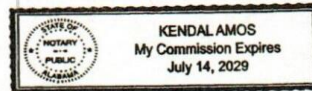
Sincerely,

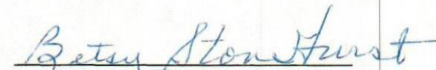

James H. Hurst, Property Owner
3536 Gordon Terry Parkway
Decatur, AL 35603

Subscribed and sworn to before me this the 24 day of October, 2025.

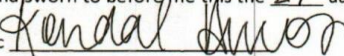
Notary Public 

My Commission Expires: July 14, 2029




Betsy Stone Hurst, Property Owner
3536 Gordon Terry Parkway
Decatur, AL 35603

Subscribed and sworn to before me this the 24 day of October, 2025.

Notary Public 

My Commission Expires: July 14, 2029



Permission Letter

APPLICANT: Dada Signs & Service LLC
 MAILING ADDR: 50 Electric Lane
 CITY, STATE, ZIP: Silacama, AL 35151
 PHONE: 205-487-6030

PROPERTY OWNER: T-Eleven Inc. (James Hughes)
 OWNER ADDR: 3200 Hackberry Rd
 CITY, STATE, ZIP: Irvin, TX 75063 PHONE: 937-200-4517

ADDRESS FOR APPEAL: 3523 Deere Road SE

NATURE OF APPEAL:

- ☐ 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)

PLEASE see attached letter
3523 Deere Rd SE, Decatur
1,014.25 total square footage of signage

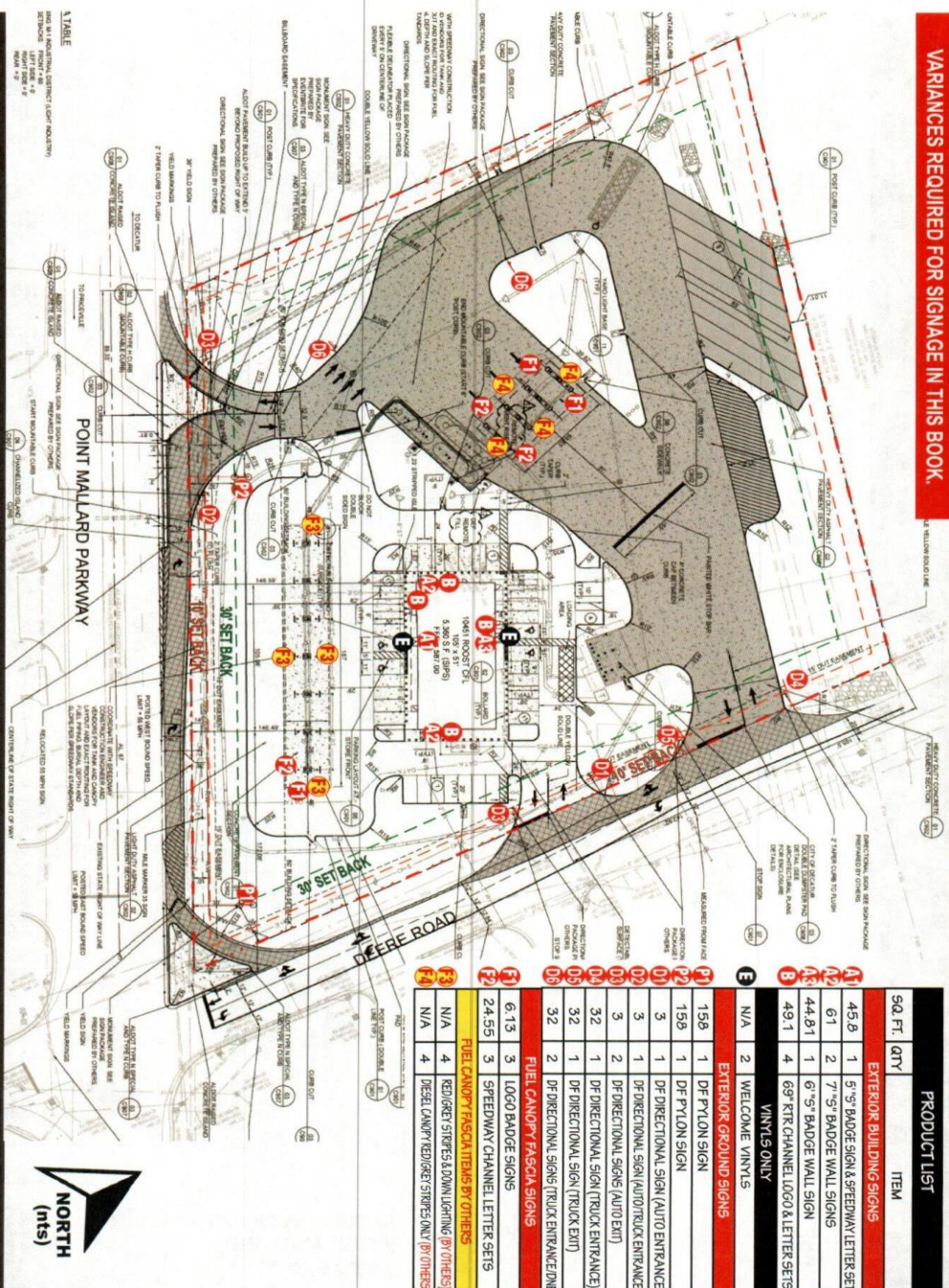
Applicant Name (print) <u>Courtney Harbrough</u>	If applicant is using a	Office Use Received By: <u>JW</u>
Signature <u>Courtney Harbrough</u>	representative for the	Zone <u>M-1</u>
Representative Name (print) <u>Courtney Harbrough</u>	request both signatures	Hearing Date <u>10/28/2025</u>
Signature <u>Courtney Harbrough</u>	are required	Approved/Disapproved
Date <u>9/25/25</u>		

CASE NO. 3 APPLICATION

SITE PLAN VERSION: Extracted Site Plans - 42364 Decatur AL
ELEVATION VERSION: Speedway Preliminary Elevations Gen 2 - 10451 SIPs (2) (1)
VARIANCES REQUIRED FOR SIGNAGE IN THIS BOOK.

Add Zoning M-1: Light Industrial

SITE PLAN



Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025



D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
Page: 1 of 19



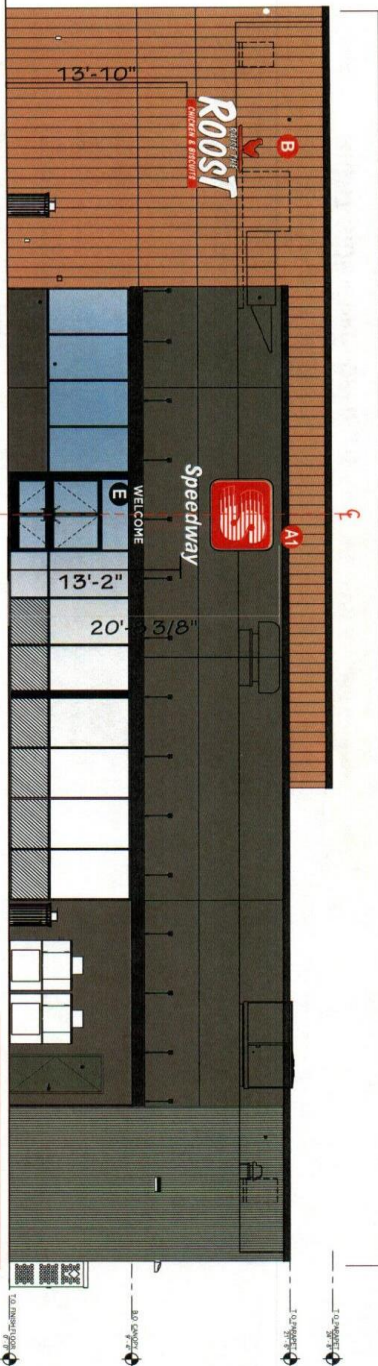
SCALE: 3/32" = 1'-0"

PRELIM. ELEVATIONS (GEN 2)

ELEVATION - WALL SIGNAGE

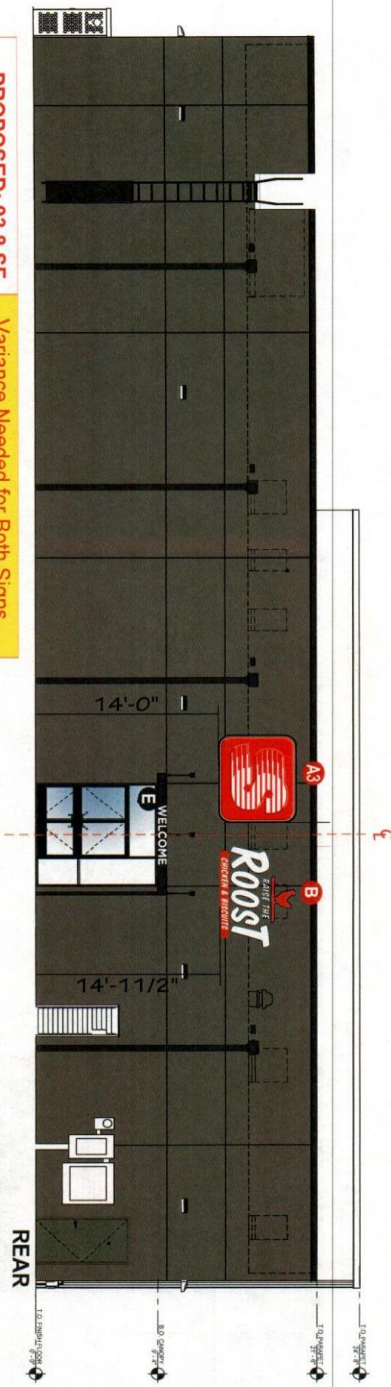
Code: The building frontage in excess of one hundred (100) feet may display an additional two (2) square feet of attached signage for each additional foot of building frontage in excess of one hundred (100) feet.
100 Sq Ft + (5' x 2' = 10') = 110 Sq Ft Allowed of Signage

104'-1"



FRONT ENTRANCE

PROPOSED: 94.8 SF



PROPOSED: 93.8 SF

Variance Needed for Both Signs

Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025



CUMMINGS

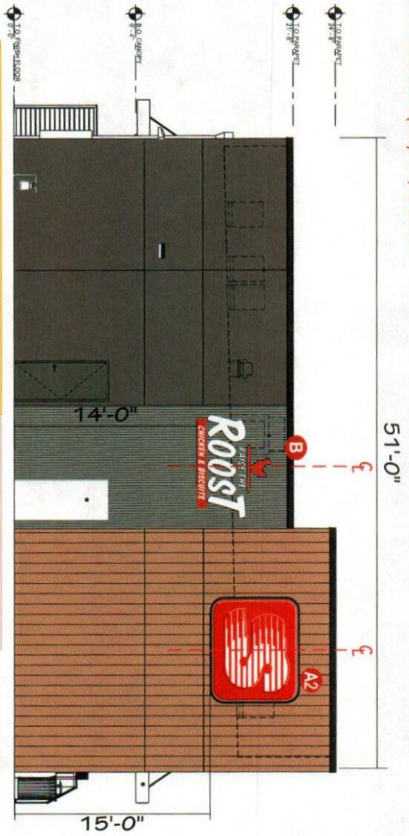
D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
Page: 3 of 19

SCALE: 3/32" = 1'-0"

PRELIM. ELEVATIONS (GEN 2)

ELEVATION - WALL SIGNAGE

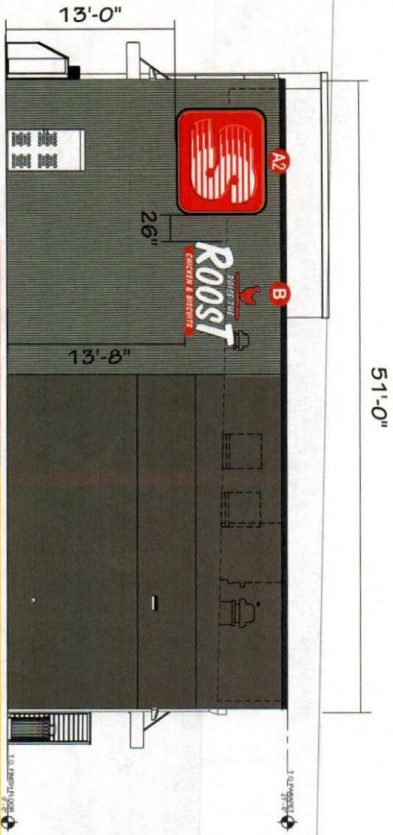
Code: The building frontage in excess of one hundred (100) feet may display an additional two (2) square feet of attached signage for each additional foot of building frontage in excess of one hundred (100) feet, to a max. area of two hundred 200 sq. vinyl counts as signage.



Variance Needed for Both Signs

PROPOSED: 110 SF

LEFT SIDE



PROPOSED: 110 SF

Variance Needed for Both Signs

RIGHT SIDE

Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025

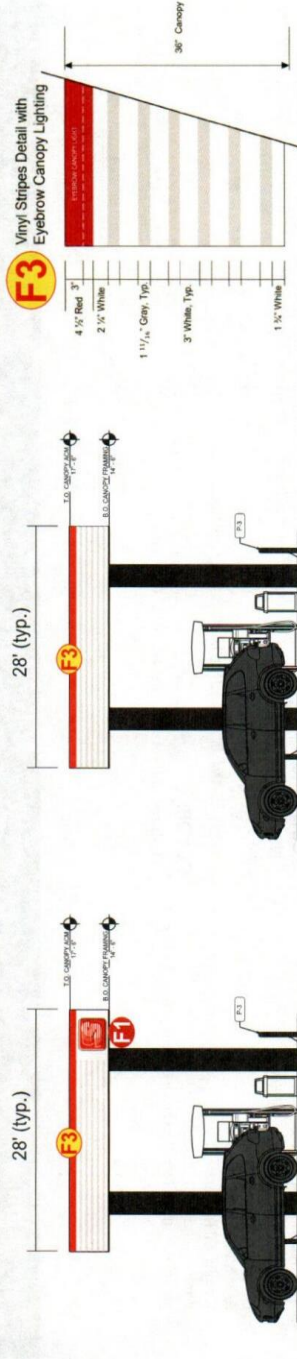


D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
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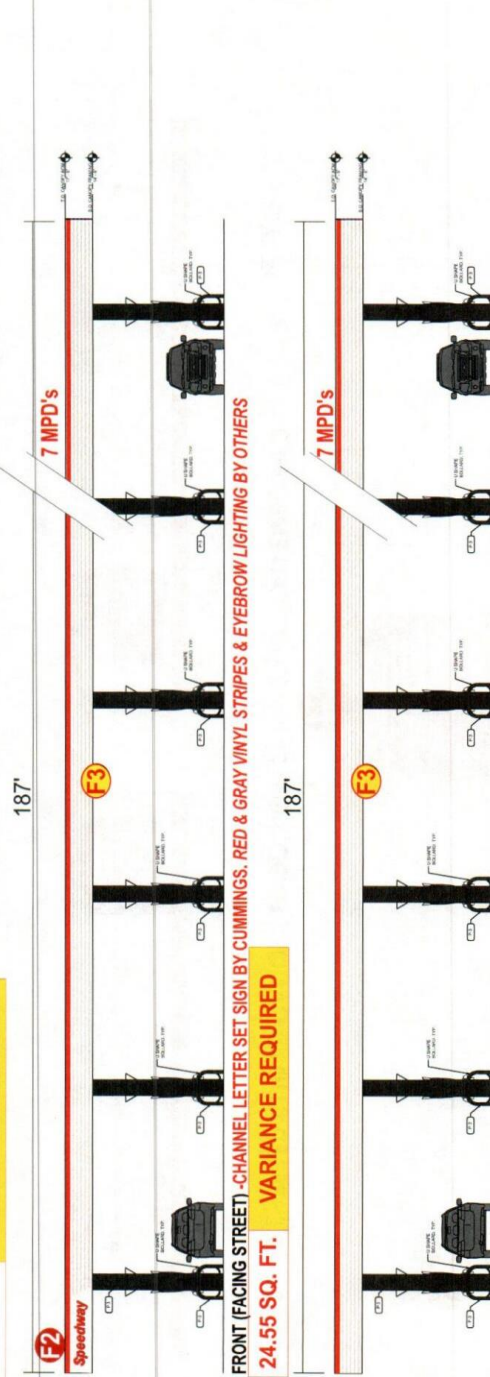
CONCEPT ELEVATIONS ONLY

Code: Canopy is allowed 100 sq. feet for signage.

FUEL CANOPY FASCIA SIGNS ONLY BY CUMMINGS



6.13 SQ. FT. VARIANCE REQUIRED



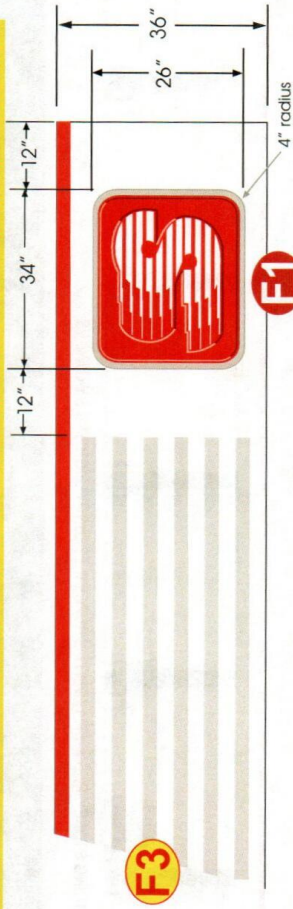
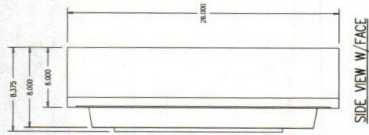
Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025



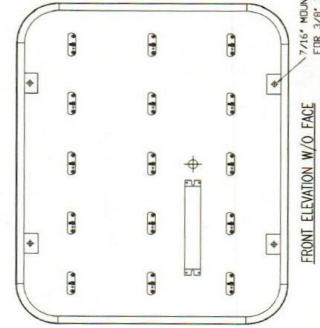
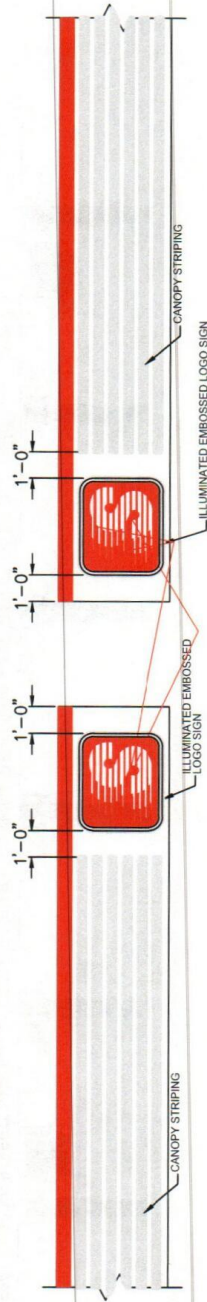
D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
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SPEEDWAY CANOPY BADGE SIGN

CANOPY STRIPING LAYOUT NEEDS TO BE PROVIDED BY THE CONSTRUCTION MANAGER NOT WHAT'S SHOWN IN THE BRAND BOOK



6.13 SQ. FT. - SF LED ILLUM'D CANOPY LOGO SIGN: 2'-2" x 2'-10", PAN EMBOSSED



GENERAL SPECIFICATIONS:

Depth: 6" cabinet; 8.5" overall depth
Face: .177 pan embossed
Area Squared: 6.13 Sq. Ft.
Weight: 60 lbs. (crated)
Wind Load: 35 psf/90 mph
Service: Remove face to service LEDs & power supply

ELECTRICAL

Illumination: (15) White LEDs
Line Load:
• 0.61 AMPS @ 120VAC 60 Hz
• (1) 15 AMP circuit, 60 Hz, UL 48 & NEC compliant

COLOR:

Cabinet and retainer ptd. PMS 428C Gray returns

Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025



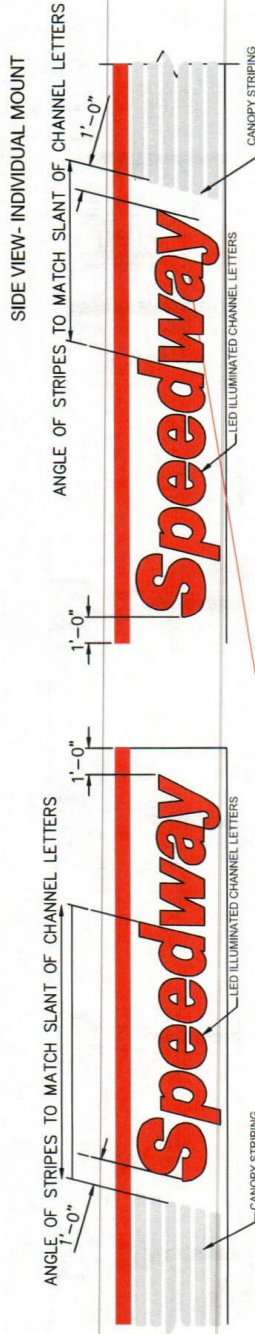
D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
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INTERNALLY ILLUM. REMOTE CHANNEL LETTERS

CANOPY STRIPING LAYOUT NEEDS TO BE PROVIDED BY THE CONSTRUCTION MANAGER NOT WHAT'S SHOWN IN THE BRAND BOOK



24.55 SQ. FT. - 26" LED ILLUMINATED CHANNEL LETTERS FOR CANOPY MOUNT



GENERAL SPECIFICATIONS:	ELECTRICAL	COLOR:
Depth: 5" returns	Illumination: (92) Red LEDs	PMS 428C Gray returns
Trimcap: 1" red	Power Supply: (1) LED 60 WATT; 12VOLT	#2283 Red Acrylic Faces
Face: .118 flat red acrylic, #2283	Line Load:	Red trimcap to match faces
Area Squared: 24.55 Sq. Ft.	• 0.80 AMPS each (input)	
Weight: (tbd) (crated)	• Total (0.80 AMPS) @ 100-277 VAC	
Wind Load: 35 psf/90 mph	• (1) 20 AMP circuit	

Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025

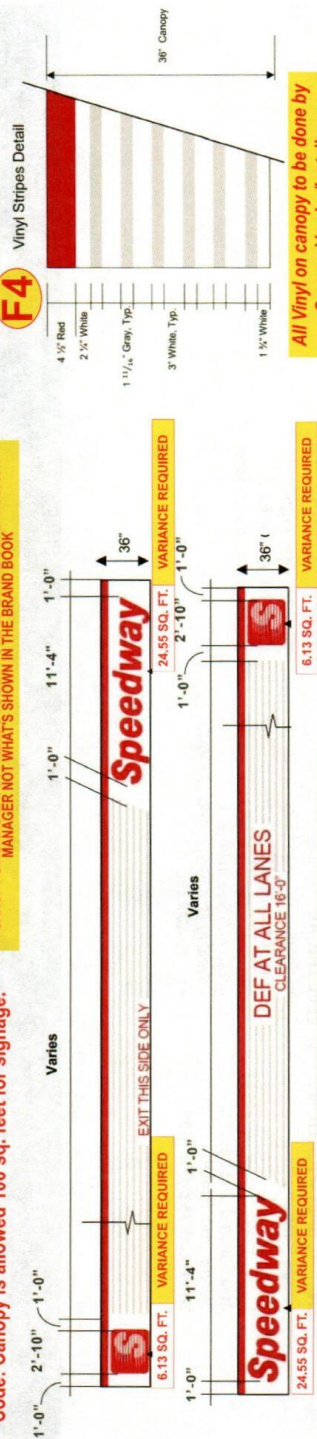


D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
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DIESEL FUEL CANOPY FASCIA SIGNS ONLY BY CUMMINGS

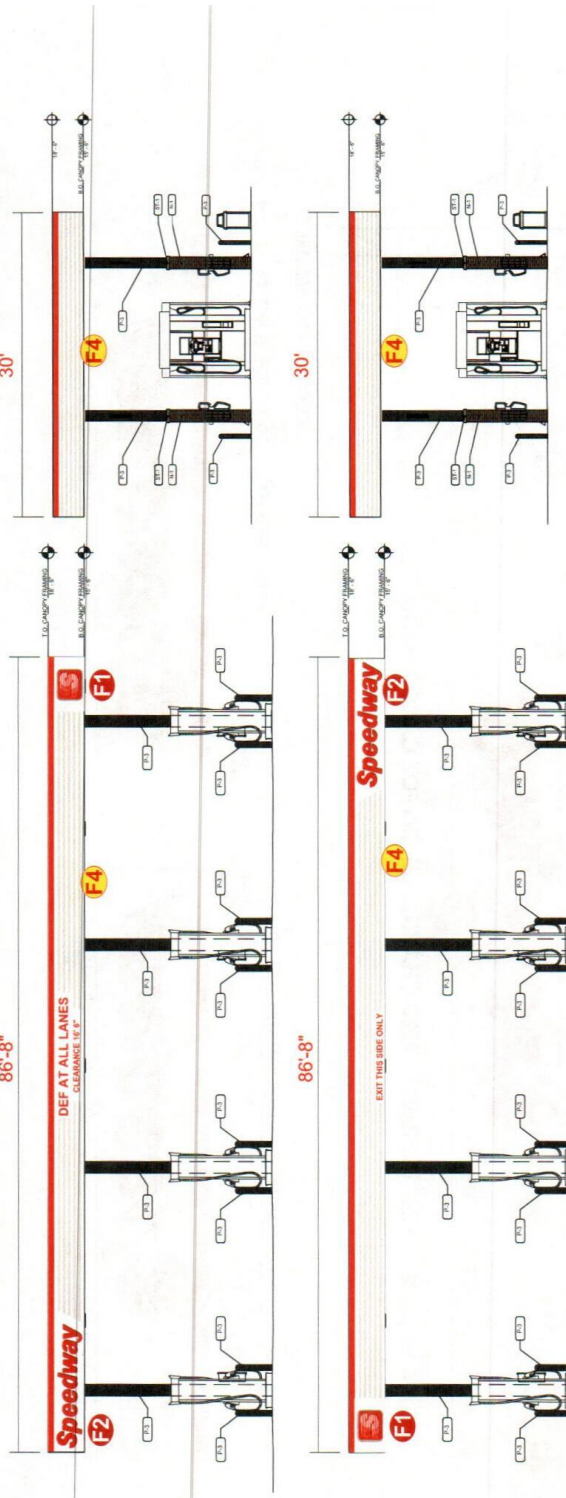
Code: Canopy is allowed 100 sq. feet for signage.

CANOPY STRIPING LAYOUT NEEDS TO BE PROVIDED BY THE CONSTRUCTION MANAGER NOT WHAT'S SHOWN IN THE BRAND BOOK



All Vinyl on canopy to be done by Canopy Vendor/Installer

All Vinyl on canopy to be done by Canopy Vendor/Installer.

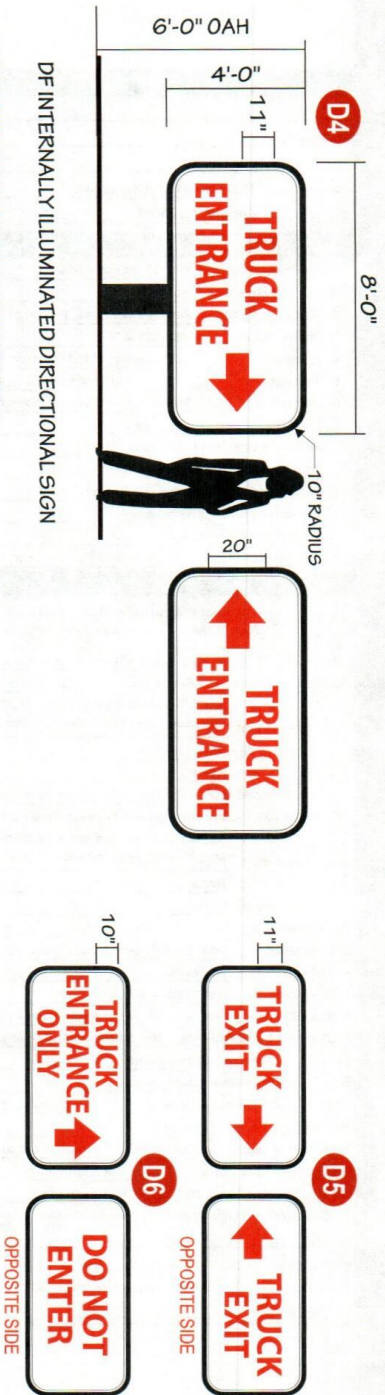


Location: Site # 42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025

D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
 ginger.pullin@cummingsigns.com
 Page: 12 of 19



CUMMINGS



DF INTERNALLY ILLUMINATED DIRECTIONAL SIGN

- DF CABINET, LED INTERNALLY ILLUMINATED, CABINET & RETAINERS PAINTED TRICORN BLACK.
- PAN-FORMED CLEAR POLYCARBONATE FACES W/2ND SURFACE FLAT DECORATION.
- SINGLE POLE, PAINTED TRICORN BLACK, BURIED DIRECTLY INTO CONCRETE FOOTING.

SPEEDWAY COLORS

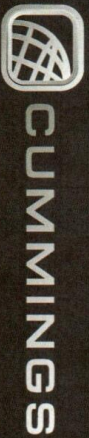
- RED 3M 3630-83/PMS 199C
- WHITE 3M WHITE/PANTONE PMS WHITE

CODE INFORMATION:

1. Max 4 SF
2. Signs located w/in 10' of ROW NTE 30" tall.
3. Signs located in setback area but 10' from ROW NTE 3.5' OAH
4. Signs located outside of setback area NTE 20' OAH

VARIANCE REQUIRED 32 SQ. FT.

Location: Site #42364
3523 Deere Rd SE,
Decatur, AL 35603
Date: September 11, 2025



D-ORDER# 1733116517
Project Mgr.: Ginger Pullin
ginger.pullin@cummingsigns.com
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