



**AGENDA
CITY OF DECATUR
BOARD OF ZONING ADJUSTMENT AGENDA
LOCATION: 402 Lee Street (City Hall Council Chambers)
August 4th, 2026
4:00 PM**

1. 260728-01 **VARINACE** **Public Hearing**
Variance request to allow an encroachment of 14.34 ft on the southwest end and an 11.02 ft encroachment on the northwest end of the rear setback
Pursuant to Sec. 25-3.2.2
Zone: RS-10 (Residential Single Family)
4401 Shawnee Circle SE
Lawson Craig, Petitioner
District 3
2. 260728-02 **VARIANCE:** **Public Hearing**
Variance request to eliminate foundation landscaping for a new commercial building
Pursuant to Sec. 25-5.3.4.
Zone: CC (Community Commercial)
2255 Old Moulton Road SW
Bob Kumar, Petitioner
District 1
3. 260728-03 **USE-VARINACE** **Public Hearing**
Use-Variance request to have a professional office in a residential zone
Pursuant to Sec. 25-4.2.2
Zone: RS-7 (Residential Single -Family)
West of 405 Jackson Street
Peyton Morris, Petitioner
District 2

PLANNING AND DEVELOPMENT

402 Lee Street NE \ Decatur, AL 35603 \ (256)341-4720 \ Planning@Decatur-al.gov

Board of Zoning
Adjustment Staff
Report



Variance 260728-01

MEETING DATE: August 4th, 2026

PETITIONER: Lawson Craig

PROPERTY OWNER: Lawson Craig

SUBJECT ADDRESS: 4401 Shawnee Circle SE

REQUEST: Variance request to allow an encroachment of 14.34 ft on the southwest end and an 11.02 ft encroachment on the northwest end of the rear setback

CURRENT ZONING: RS-10 (Residential Single Family)

LOCATION: 4401 Shawnee Circle, 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:

Variance request to allow encroachments of 9.34 ft at the southwest end and 6.02 ft at the northwest end in the rear yard; the client is preparing a patio

APPLICANT'S HARDSHIP (FROM APPLICATION):

According to the application, the applicant's hardship is the unique shape and size of the property. The lot is pentagonal, which limits the available buildable area and makes it more difficult to construct the proposed deck while meeting the required setbacks.

The property's rear yard also abuts a golf course, which is a condition unique to this lot. The applicant states that the proposed fence will provide an additional layer of protection from stray golf balls entering the rear yard.

The applicant believes these site-specific conditions create a practical difficulty that justifies the requested variance to allow construction of the proposed deck.

ZONING ORDINANCE REFERENCED- Sec. 25-3.2.2 Residential Districts

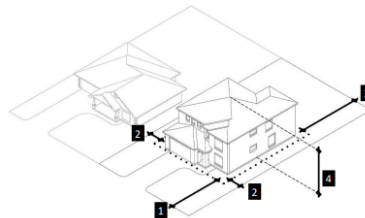
Section 25-3.2 Base Districts
Sec. 25-3.2.2 Residential Districts

(d) RESIDENTIAL SINGLE-FAMILY 10 (RS-10) DISTRICT

(1) Purpose

The purpose of the Residential Single-Family 10 (RS-10) District is to provide lands that accommodate primarily single-family detached dwelling units on lots with a minimum area of 10,000 square feet. The district also allows uses necessary and incidental to single-family living, and accommodates parks and minor utility facilities. District regulations discourage development that interferes with the quiet residential nature of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (sq. ft.)	10,000
Lot width, min. (ft.)	70
1 Front setback, min. (ft.)	35
2 Side setback, min. (ft.)	8
3 Rear setback, min. (ft.)	40
4 Building height, max.	lesser of 35 ft. or 2.5 stories

(3) Reference to Other Standards

Development in the RS-10 District shall also comply with the use and development standards in this Ordinance, including but not limited to:

Article 25-4	Use Regulations	Sec. 25-5.6	Exterior Lighting Standards
Article 25-5	Development Standards	Sec. 25-5.7	Development Form And Design Standards
Sec. 25-5.1	Mobility, Circulation, and Connectivity Standards	Sec. 25-5.8	Neighborhood Compatibility Standards
Sec. 25-5.2	Off-Street Parking and Loading Standards	Sec. 25-5.9	Sign Standards
Sec. 25-5.3	Landscaping and Buffer Standards	Sec. 25-5.10	Floodplain Management
Sec. 25-5.4	Open Space Set-Aside Standards	Sec. 25-5.11	Stormwater Management Standards
Sec. 25-5.5	Fence and Wall Standards	Sec. 25-5.12	Green Building Incentives

ANALYSIS:

The applicant is requesting a variance to encroach on the rear setback by 9.34 ft on the high end and 6.02 ft at the low end. The applicant is proposing to construct a deck with a roof. The proposed deck will be slanted, which is why they are asking for a variance of 9.34 ft on the high end and 6.02 ft on the low end. Also, under the old zoning ordinance, this parcel was zoned R-1 which setbacks are front 40', rear 45', and side setbacks 15'. The current zoning of the property is RS-10, which setbacks are front 35', rear 40', and side setbacks 8' so under the new ordinance, the applicant is asking for a 14.34' on the high end and 11.02' on the low end.

RECOMMENDATION

Based on the analysis above, staff recommends approval of the requested rear setback variance. The request is primarily the result of the irregular shape of the lot and the slanted design of the proposed covered deck, which creates varying encroachments into the required rear setback. Additionally, the property's current RS-10 zoning district has reduced setback requirements compared to the previous R-1 zoning, making the requested variance reasonable.

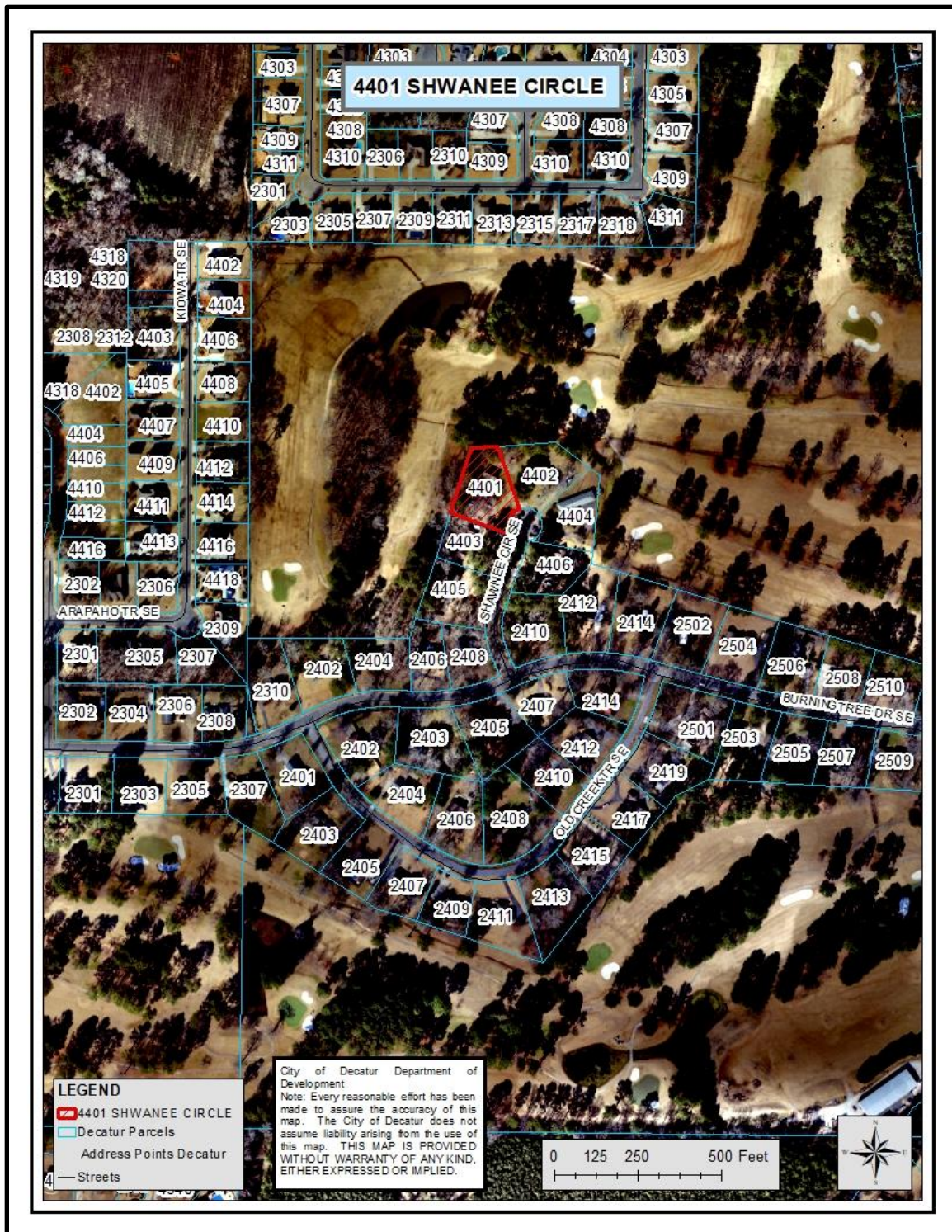
4401 SHAWNEE CIRCLE SE REAR ELEVATION



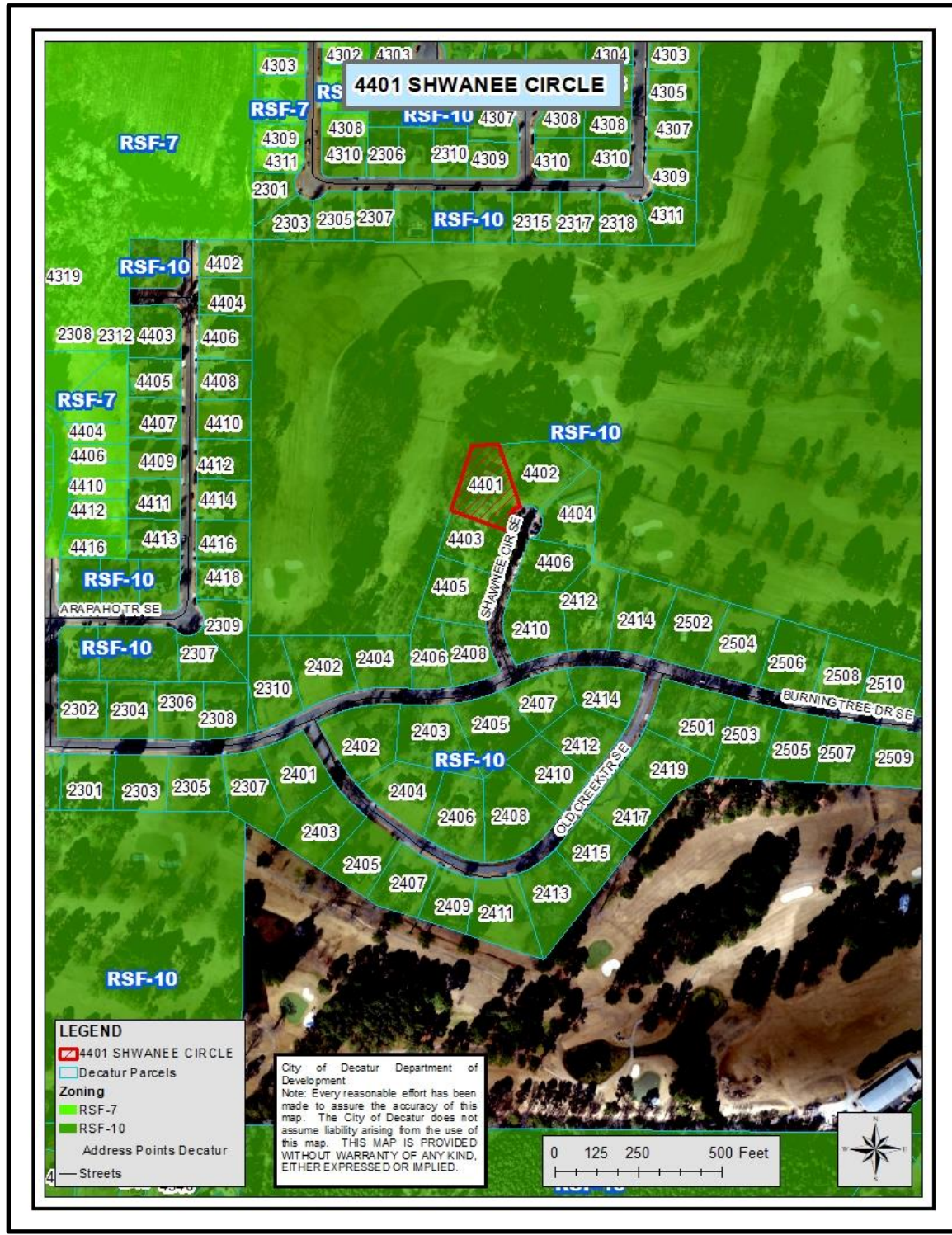
4401 SHAWNEE CIRCLE SE FRONT ELEVATION



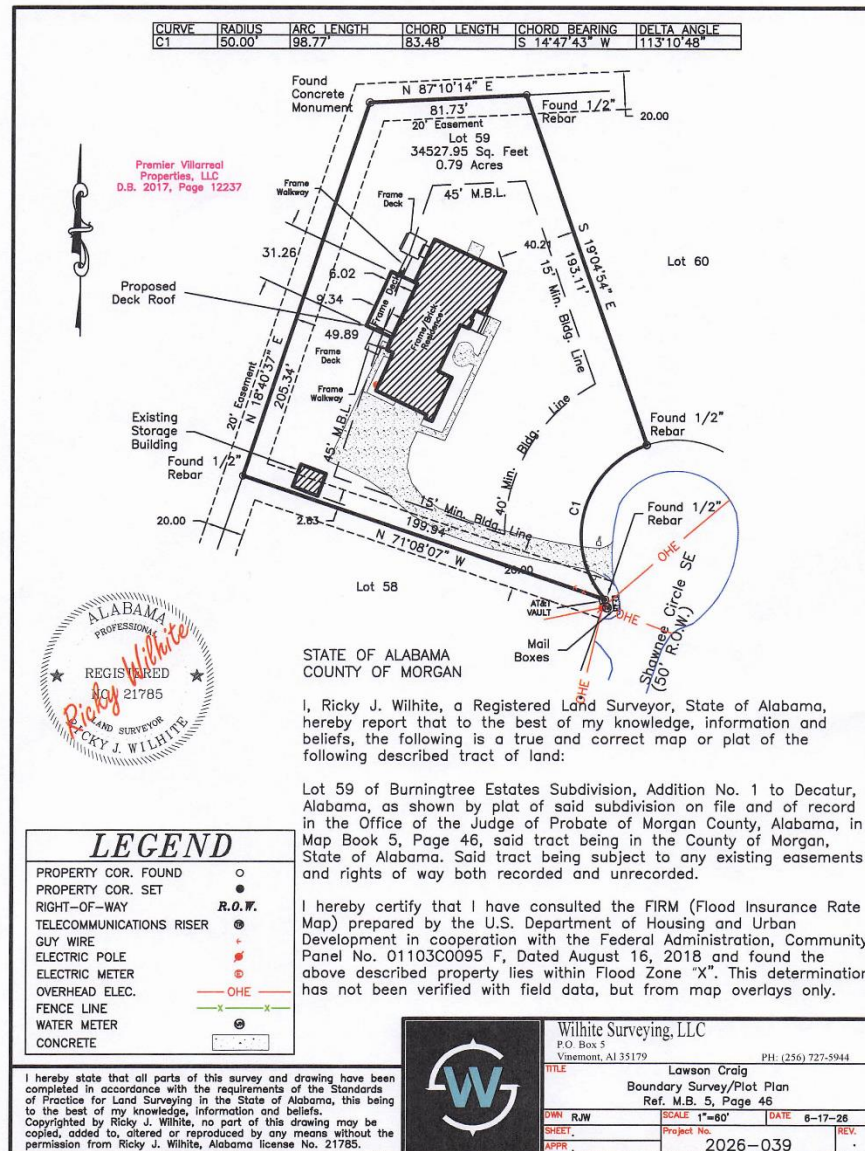
AERIAL MAP-



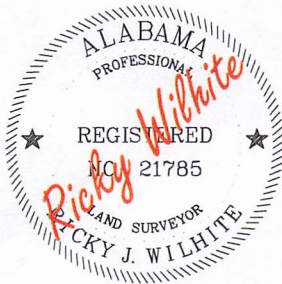
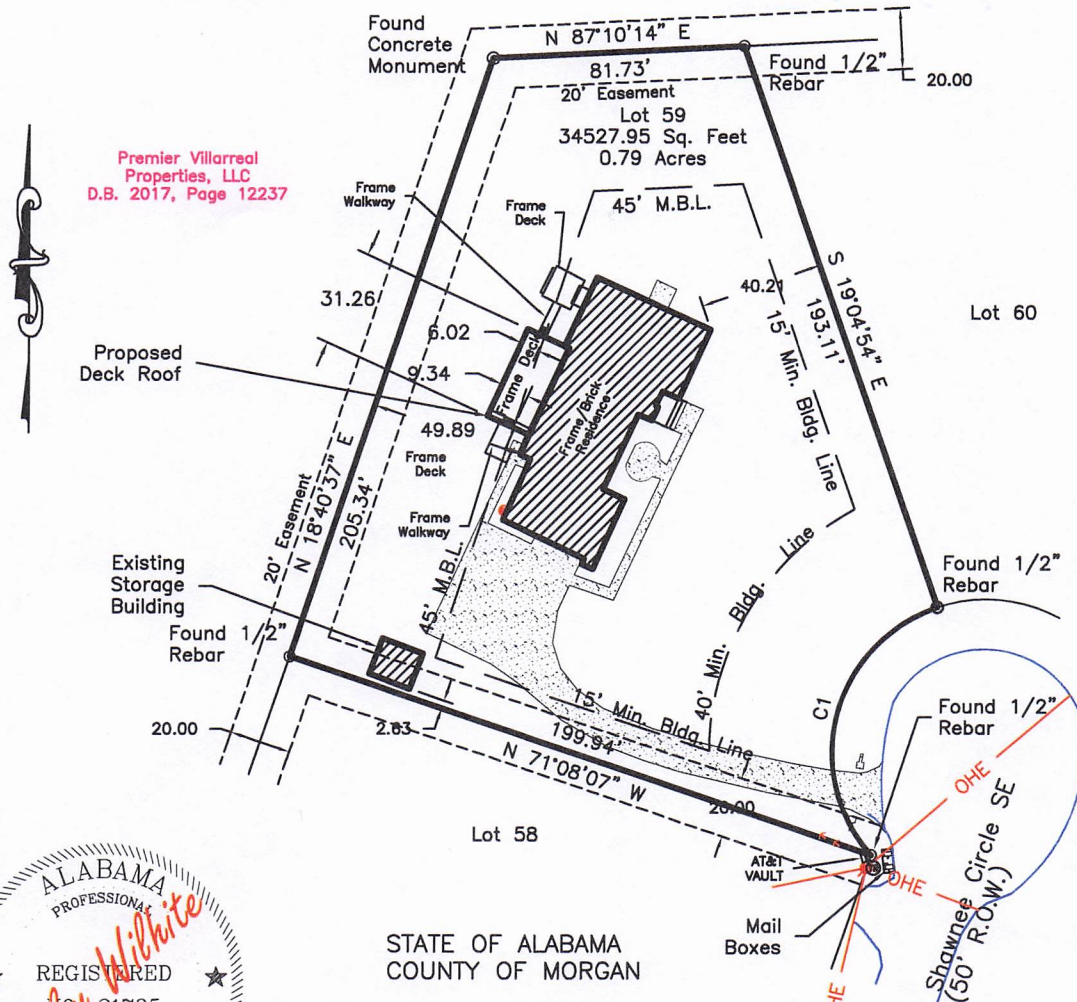
ZONING MAP-



SURVEY-



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	98.77'	83.48'	S 14°47'43" W	113°10'48"



STATE OF ALABAMA
COUNTY OF MORGAN

I, Ricky J. Wilhite, a Registered Land Surveyor, State of Alabama, hereby report that to the best of my knowledge, information and beliefs, the following is a true and correct map or plat of the following described tract of land:

Lot 59 of Burningtree Estates Subdivision, Addition No. 1 to Decatur, Alabama, as shown by plat of said subdivision on file and of record in the Office of the Judge of Probate of Morgan County, Alabama, in Map Book 5, Page 46, said tract being in the County of Morgan, State of Alabama. Said tract being subject to any existing easements and rights of way both recorded and unrecorded.

I hereby certify that I have consulted the FIRM (Flood Insurance Rate Map) prepared by the U.S. Department of Housing and Urban Development in cooperation with the Federal Administration, Community Panel No. 01103C0095 F, Dated August 16, 2018 and found the above described property lies within Flood Zone "X". This determination has not been verified with field data, but from map overlays only.

LEGEND

PROPERTY COR. FOUND	○
PROPERTY COR. SET	●
RIGHT-OF-WAY	R.O.W.
TELECOMMUNICATIONS RISER	⊕
GUY WIRE	+
ELECTRIC POLE	⊙
ELECTRIC METER	⊕
OVERHEAD ELEC.	OHE
FENCE LINE	x-x
WATER METER	⊕
CONCRETE	■

I hereby state that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Land Surveying in the State of Alabama, this being to the best of my knowledge, information and beliefs. Copyrighted by Ricky J. Wilhite, no part of this drawing may be copied, added to, altered or reproduced by any means without the permission from Ricky J. Wilhite, Alabama license No. 21785.



Wilhite Surveying, LLC

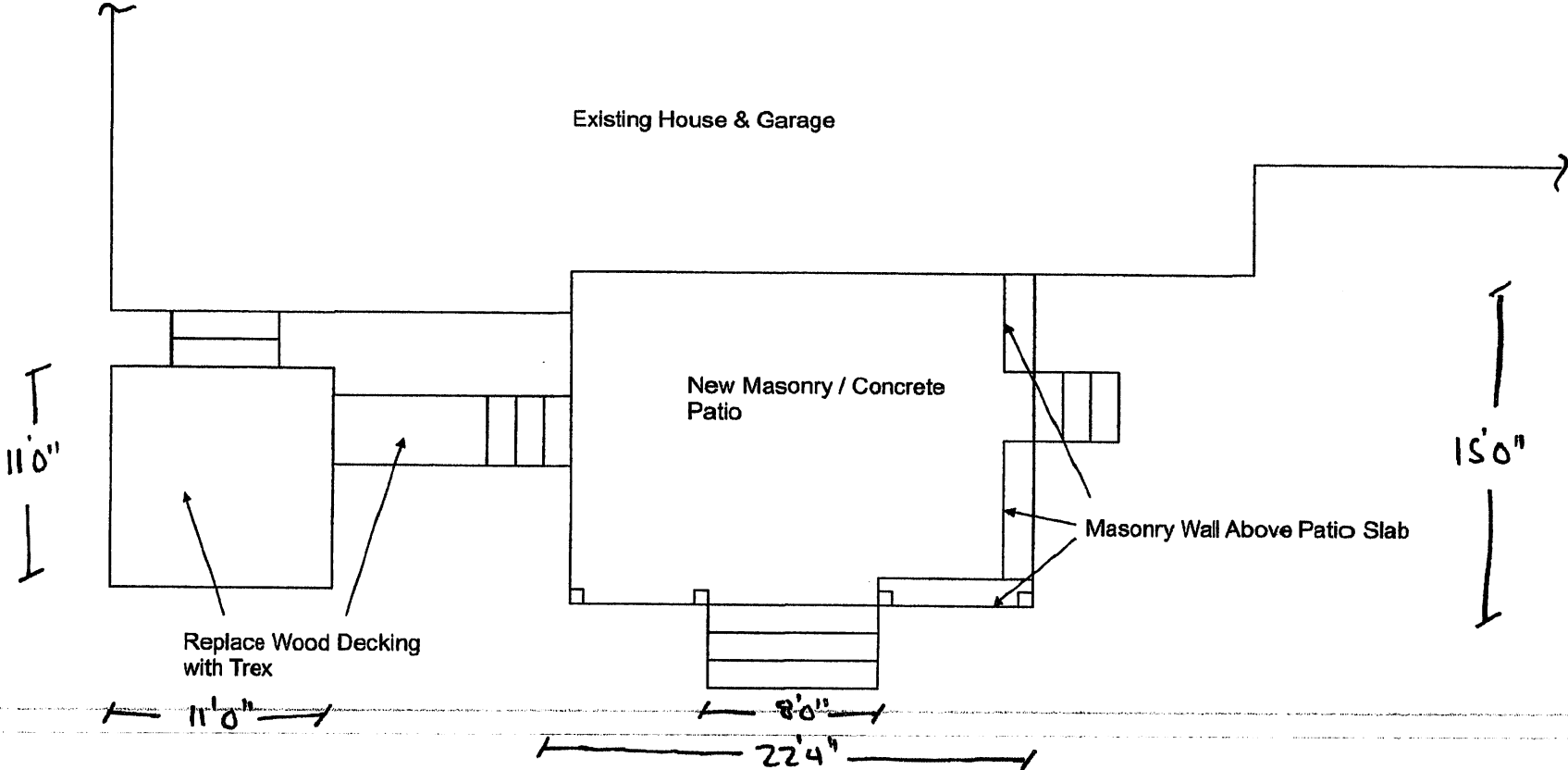
P.O. Box 5
Vinemont, AL 35179

PH: (256) 727-5944

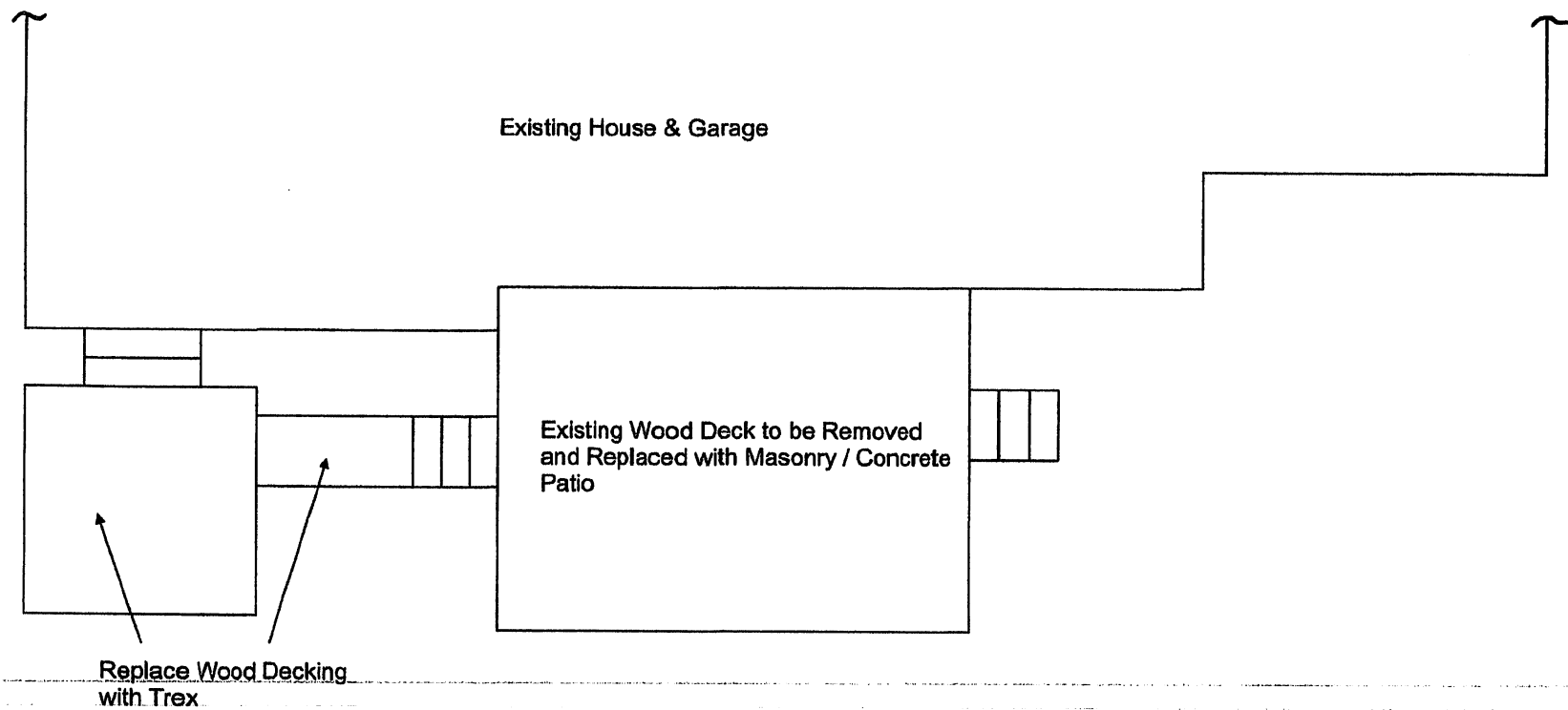
TITLE Lawson Craig
Boundary Survey/Plot Plan
Ref. M.B. 5, Page 46

DWN RJW	SCALE 1"=60'	DATE 6-17-26
SHEET	Project No.	REV.
APPR	2026-039	

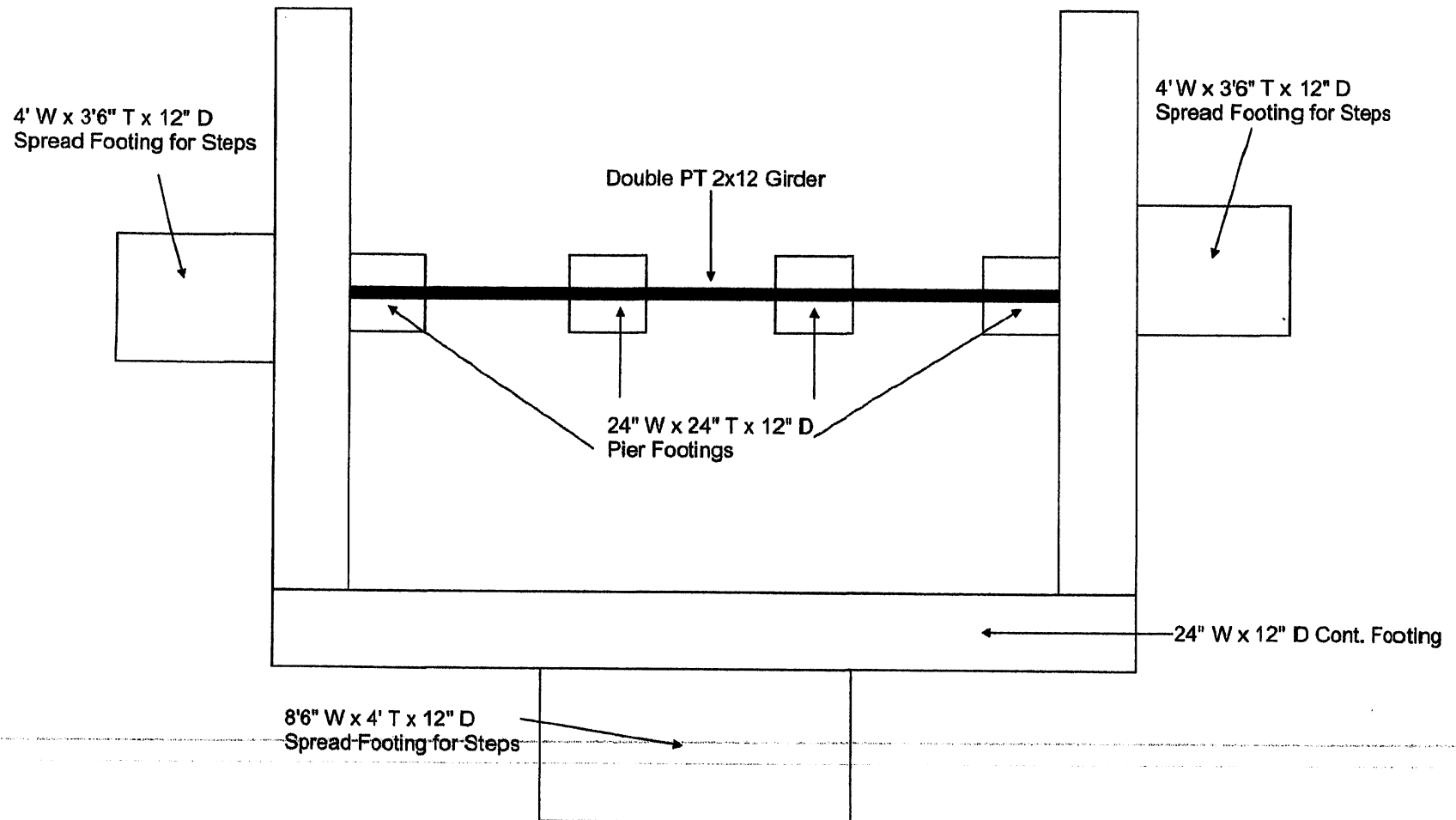
Construction Plan
4401 Shawnee Circle
Decatur, AL



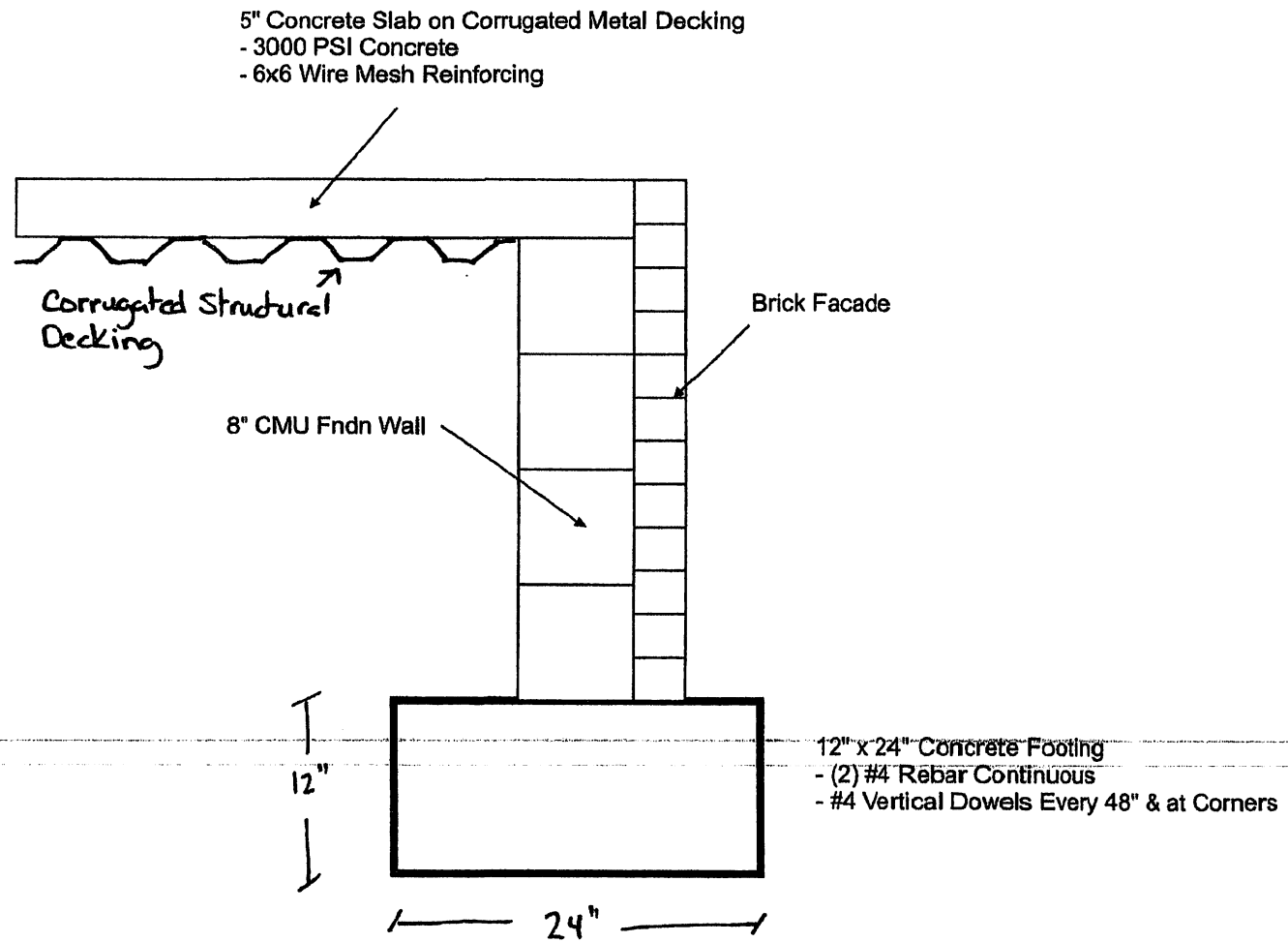
Exiting Conditionss
4401 Shawnee Circle
Decatur, AL



Foundation Plan
4401 Shawnee Circle
Decatur, AL



Foundation Details
4401 Shawnee Circle
Decatur, AL



Elevation
4401 Shawnee Circle
Decatur, AL

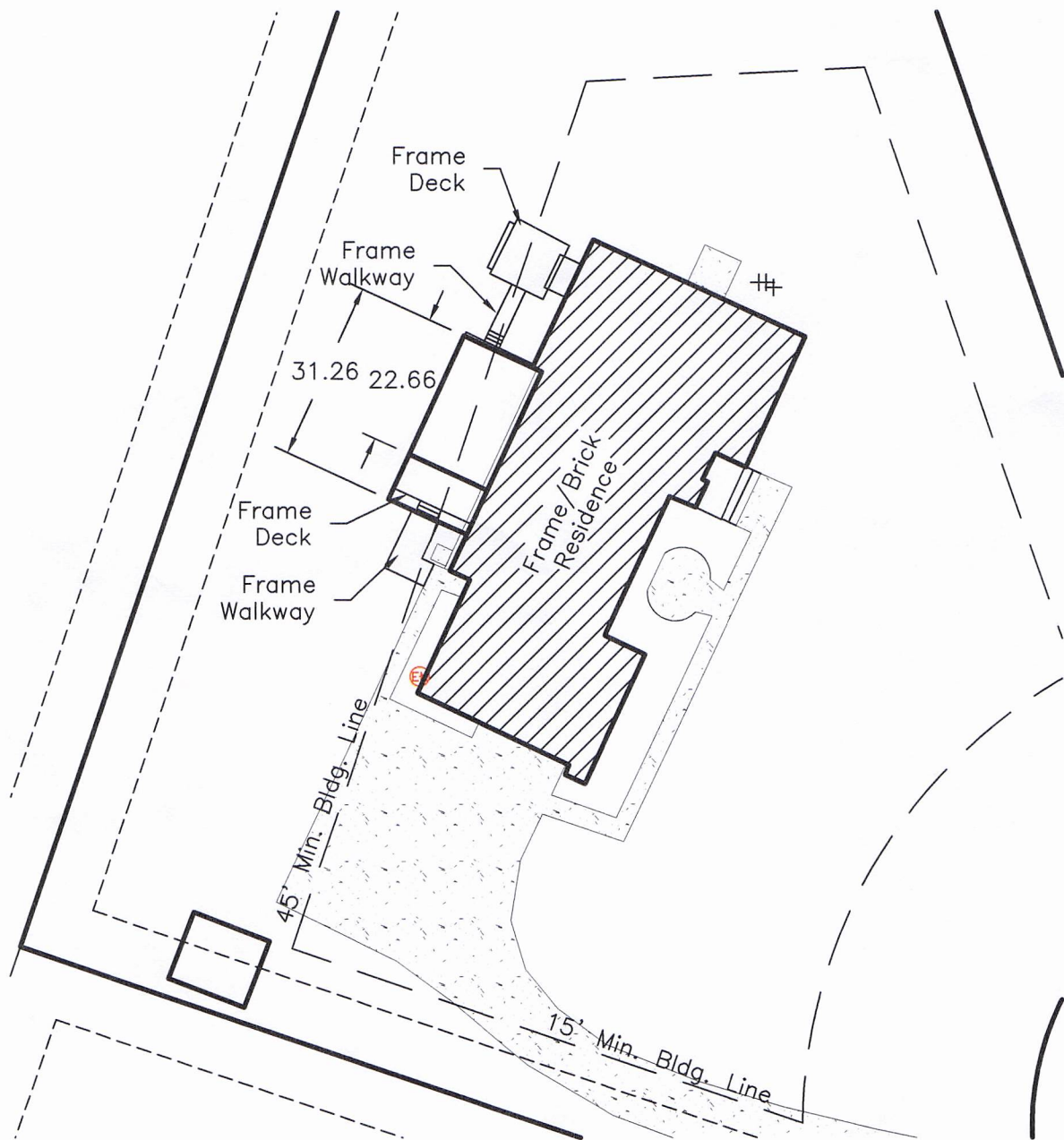
Rear Patio Roof Framing
- 8x8 Timber Columns
- 8x12 Timber Beam
- 2x6 Rafters
- 8x8 Timber Kickers (Aesthetic Only)
- Tongue & Groove Pine at Ceiling

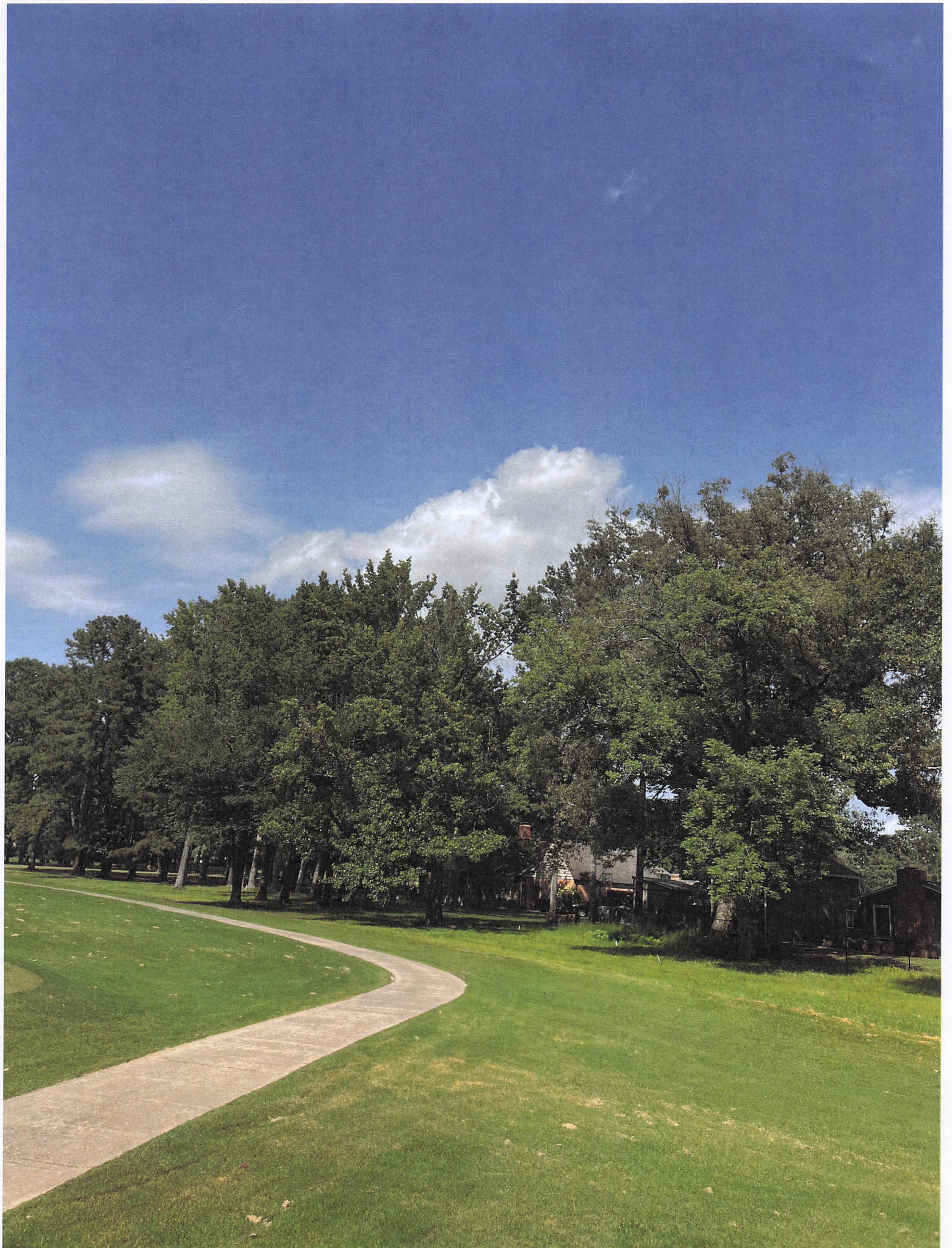
Metal Handrails at
Steps and Open Area
of Patio

Masonry Wall Extend Up
3'8" for Future Outdoor
Kitchen

New Brick Steps

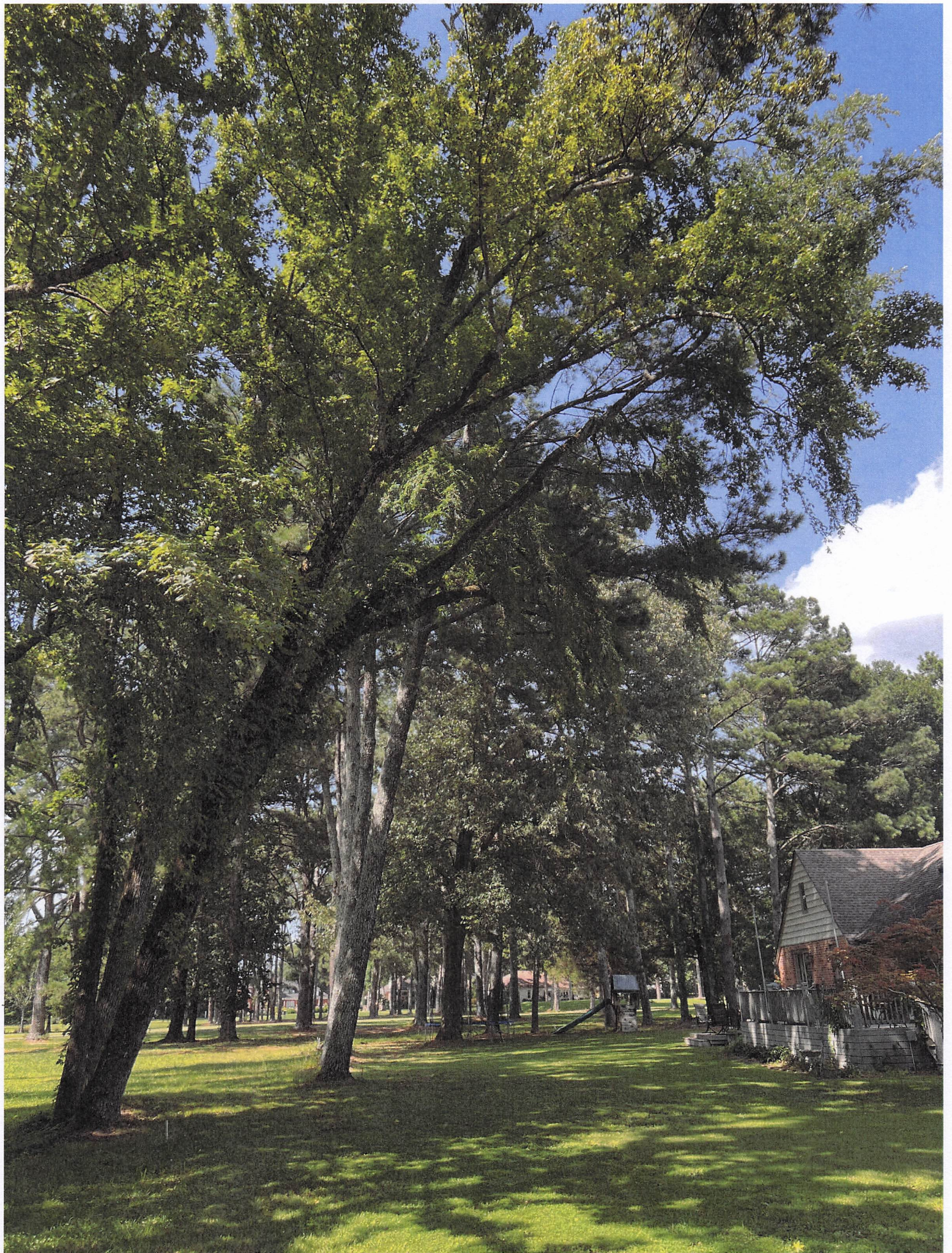
The diagram is a black and white architectural elevation of a rear patio structure. It features a gabled roof with a central vertical support and two diagonal bracing members. The roof is supported by four vertical timber columns. The exterior walls are depicted with a brick pattern. A central section of the wall is missing, creating an open area. The patio floor is shown as a series of brick steps leading up to the structure. Metal handrails are indicated by vertical lines on the steps and the open area. A masonry wall is shown extending upwards on the right side. The drawing includes several text labels and arrows pointing to specific features.





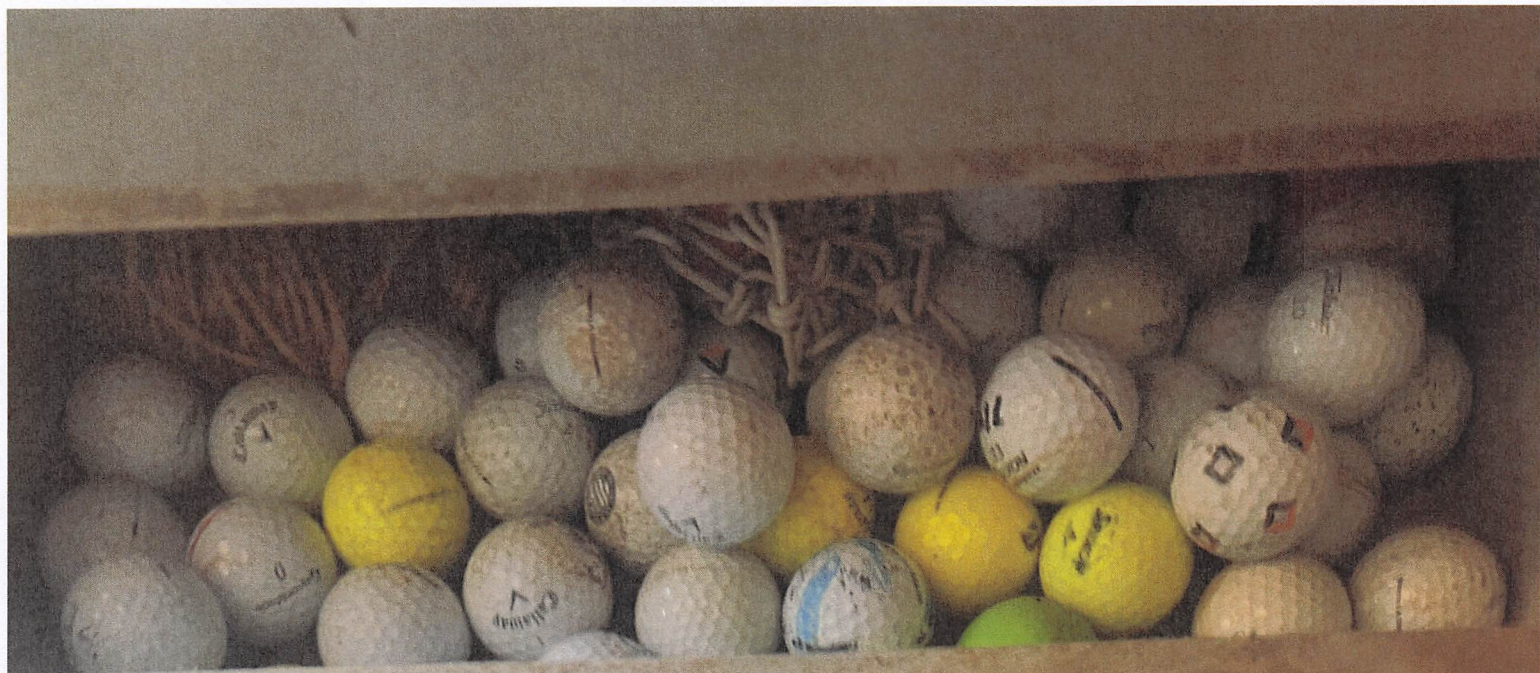










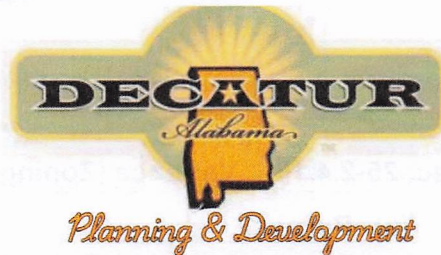






Variance Application – Board of Zoning Adjustment (BZA)

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



Location of Subject Property: 4401 Shawnee Circle, Decatur, AL 35603
Name of Applicant(s): Lawson Craig Phone: 615 969 7708
Address: 4401 Shawnee Circle, Decatur, AL 35603 Email: lawsoncraig@gmail.com
Name of Owner(s): Lawson Craig Phone: 615 969 7708
Address: 4401 Shawnee Circle, Decatur, AL 35603 Email: lawsoncraig@gmail.com
The applicant will be the point of contact for all communication with city staff
Current Zoning: RSF-10 Total Acreage: .8 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)? Size, shape
2. How would the application of the Zoning Ordinance of the City of Decatur to this particular piece of property create an unnecessary hardship? The 45' offset required by the current zoning will not allow us to cover our existing deck to protect ourselves from flying golf balls.
3. What conditions are peculiar to this particular piece of property? it is pentagonal. (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 | *The deadline to apply for the next meeting is: ____/____/____ |
| ☒ | Designation of Agent Form (mark N/A if not applicable) | *The date of the next available meeting is: ____/____/____ |
| ☒ | 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: Lawson Craig Date: ____/____/____

STATE OF ALABAMA

COUNTY OF Morgan

I, Emily Hill, a Notary Public in and for said State at Large, hereby certify that Lawson Craig, whose name is signed to the foregoing document, and

☒ Who is known to me, or

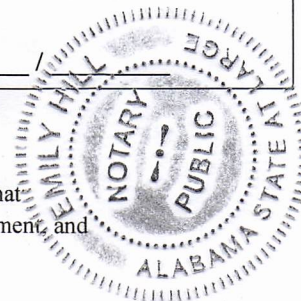
Whose identity I proved on the basis of _____

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 the 26th day of June, 2020.

Emily Hill, Notary Public

My Commission Expires: 5/16/2029



Sec. 25-2.4.16. Variance (Zoning)

(a) Purpose

The purpose of this section is to establish a uniform mechanism to allow deviations from specific dimensional standards in this Ordinance when the strict application of the standards would result in unnecessary hardship.

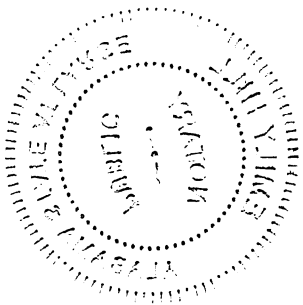
(b) Applicability

The procedures and standards of this section apply to the review of and decision on applications for a variance from the following standards:

- (1)** The dimensional standards in Article 25-3: Zoning Districts;
- (2)** The numerical use-specific standards in Article 25-4: Use Regulations, to the extent the variance does not result in allowing a use that is prohibited in the zoning district; and
- (3)** Numerical standards in Article 25-5: Development Standards.

(c) Procedure for Variance

An application for a variance (zoning) shall be submitted, processed, reviewed, and decided on in accordance with Section 25-2.3, Standard Application Requirements and Procedures, as modified in this section. Figure 25-2.4.16: Summary of Variance (Zoning) Procedure, identifies the standard procedures in Section 25-2.3 that apply to variance (zoning) applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for variance (zoning) applications, including any modifications to the standard procedures in in Section 25-2.3.



Board of Zoning
Adjustment Staff
Report



Variance 260728-02

MEETING DATE: August 4th, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: Bob Kumar

SUBJECT ADDRESS: 2255 Old Moulton Road

REQUEST: Variance request to eliminate foundation landscaping for a new commercial building

CURRENT ZONING: CC (Community Commercial)

LOCATION: 2255 Old Moulton Road

SURROUNDING LAND North: CC (Community Commercial)
& Unincorporated

USES AND ZONING: South: Unincorporated

East: CC (Community Commercial)

West: CC (Community Commercial)
& Unincorporated

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting approval to eliminate all required foundation landscaping to accommodate the construction of a new commercial building.

APPLICANT'S HARDSHIP (FROM APPLICATION):

To the Honorable Members of the Board of Zoning Adjustment:

I respectfully request approval of a variance to eliminate the required foundation landscaping for the proposed development located at 2251 Old Moulton Road, Decatur, Alabama 35601.

This request is based on the unique physical constraints of the property and the practical difficulties that would result from strict compliance with foundation landscaping

The site has been carefully laid out to accommodate the building, required parking, drive aisles, utility infrastructure, and stormwater management facilities while maintaining safe and efficient circulation throughout the property. Given the limited size and configuration of the site, the addition of foundation landscaping around the building would reduce usable space and negatively impact pedestrian circulation.

In addition to the site's physical limitations, the operational nature of a convenience store and fueling station makes foundation landscaping particularly difficult to maintain. Unlike traditional retail developments, customers frequently travel on foot around all sides of the building while moving between fueling areas and store entrances. This high volume of pedestrian traffic regularly causes landscaped areas to become compacted, damaged, littered, and trampled.

Based on both industry experience and observations of similar facilities, foundation planting beds at convenience stores often become collection points for litter, beverage containers, receipts, and other debris. Instead of enhancing the visual appearance of the property, these areas can quickly deteriorate and create ongoing maintenance issues that negatively affect curb appeal.

The area surrounding the building must also accommodate numerous operational utility components, including roof downspouts, sewer cleanouts, water meter boxes, valve boxes, underground utility access points, other mechanical and service infrastructure, electrical meterbase, communication svc. entrance and E-stops.

These facilities require routine inspection, maintenance, and occasional repair. Installing landscaping around these elements creates long-term conflicts between plant material and utility accessibility, resulting in repeated disturbance of landscaping and increased maintenance burdens.

Furthermore, we are unaware of any recently constructed convenience stores or gas stations within the area that have successfully implemented extensive foundation landscaping of the type being required. The unique operational characteristics of these facilities have historically made foundation landscaping difficult to maintain and often ineffective in achieving its intended aesthetic purpose.

Granting this variance would not negatively impact neighboring properties or public welfare. The proposed development will continue to be professionally maintained and aesthetically attractive while allowing for safer circulation, improved functionality, and proper access to critical utility infrastructure.

The hardship is not self-created but results from the physical size and configuration of the property, required stormwater facilities, utility requirements, and the operational characteristics of the proposed use. Strict application of the landscaping requirement would create practical difficulties while providing limited long-term aesthetic benefit.

For these reasons, we respectfully request approval of the variance eliminating the required foundation landscaping at 2251 Old Moulton Road.

ZONING ORDINANCE REFERENCED- Sec. 25-5.3.4 Foundation Landscaping

Section 25-5.3, Landscaping and Buffer Standards **Sec. 25-5.3.4, Foundation Landscaping**

activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation as necessary to ensure the landscaped buffer meets the standards in this ordinance.

(e) Credit for Parking Area Perimeter Landscaping

Perimeter landscaping around off-street parking areas provided in accordance with Sec. 25-5.3.5(b), Perimeter Landscaping, may be credited toward the landscaped buffer requirements in this section.

Sec. 25-5.3.4. Foundation Landscaping

(a) Except as provided in subsection (b) below, a landscaped bed that complies with the following standards shall be provided along the front of each primary structure and along building façades and adjacent parking spaces, except at building entrances:

- (1) The bed shall have a minimum average horizontal depth from the building of four feet.
- (2) The bed shall contain a minimum of one shrub for each three linear feet of building front and a minimum of one tree for every 30 linear feet of building front. All plantings shall be spaced to accommodate plant size at maturity.
- (3) Where not covered by plantings, the bed shall be covered by mulch or ground cover, other than turf grass, and shall be protected by a barrier to prevent damage from vehicles and maintenance equipment.
- (4) Trees and shrubs shall be well-distributed, though not necessarily evenly spaced.

(b) In the I District, the foundation landscaping required by subsection (a) above, may be offset by the addition of equal area and plantings to parking area perimeter and/or frontage landscaping.

Sec. 25-5.3.5. Off-Street Parking Area Landscaping

(a) Frontage Landscaping

A landscaping strip that complies with the following standards shall be provided between off-street surface parking areas and any adjacent public right-of-way:

- (1) The landscaping strip shall extend the length of the parking area frontage on the public-right-of way, except where there are driveways or accessways approved by the Director or the state highway department, as appropriate.
- (2) The landscaping strip shall have a minimum average horizontal depth of five feet.
- (3) The landscaping strip shall include the following minimum plantings for every 50 linear feet of parking area frontage along the right-of-way, excluding the width of driveways and accessways:
 - (i) One canopy tree; and
 - (ii) Six shrubs, or a three-foot high berm.

ANALYSIS:

The applicant is requesting a variance to eliminate the required foundation landscaping as part of the construction of a new gas station. Specifically, the request would remove all foundation landscaping required by the zoning ordinance, consisting of **seven (7) canopy trees and sixty-eight (68) shrubs**, which are intended to provide landscaping treatment along the base of the primary structure.

Foundation landscaping serves several purposes within the zoning ordinance, including softening the appearance of building facades, enhancing the aesthetic character of commercial developments, and helping to integrate new construction into the surrounding built environment. The proposed variance would eliminate these required plantings in their entirety, resulting in no foundation landscaping being provided around the building.

Staff finds that the request represents a complete elimination of the foundation landscaping requirements rather than a reduction in the amount of landscaping. Approval of the variance would allow the development to proceed without the landscape elements intended to enhance the appearance of the site and meet the intent of the zoning ordinance.

RECOMMENDATION

Based on the analysis above, staff recommends denial of the requested variance. The City of Decatur has identified the enhancement and revitalization of its major corridors as an important goal, and the elimination of required foundation landscaping would be inconsistent with those objectives. Landscaping is a critical component of commercial development that contributes to the overall aesthetics, appearance, and character of the community.

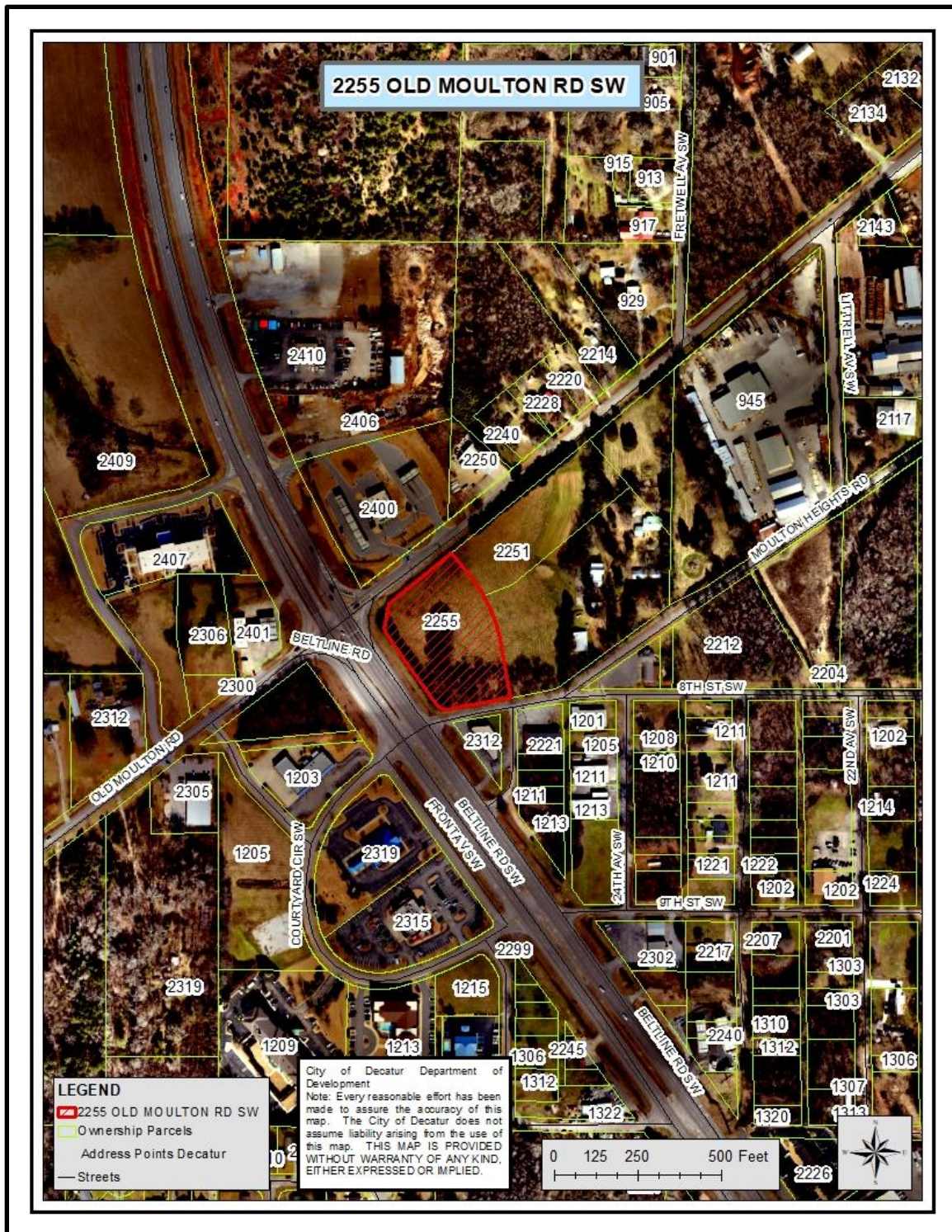
With the adoption of the new zoning ordinance, staff believes it is important to establish consistent application of the updated standards and allow the ordinance to achieve its intended goals and objectives. Granting repeated variances from these requirements would hinder the City's ability to accomplish the desired improvements envisioned by the new regulations. Therefore, staff recommends maintaining the foundation landscaping requirements as adopted in the zoning ordinance.

If the board finds that it would like to approve the variance the Planning Department is asking for, at least 50% of foundation landscaping

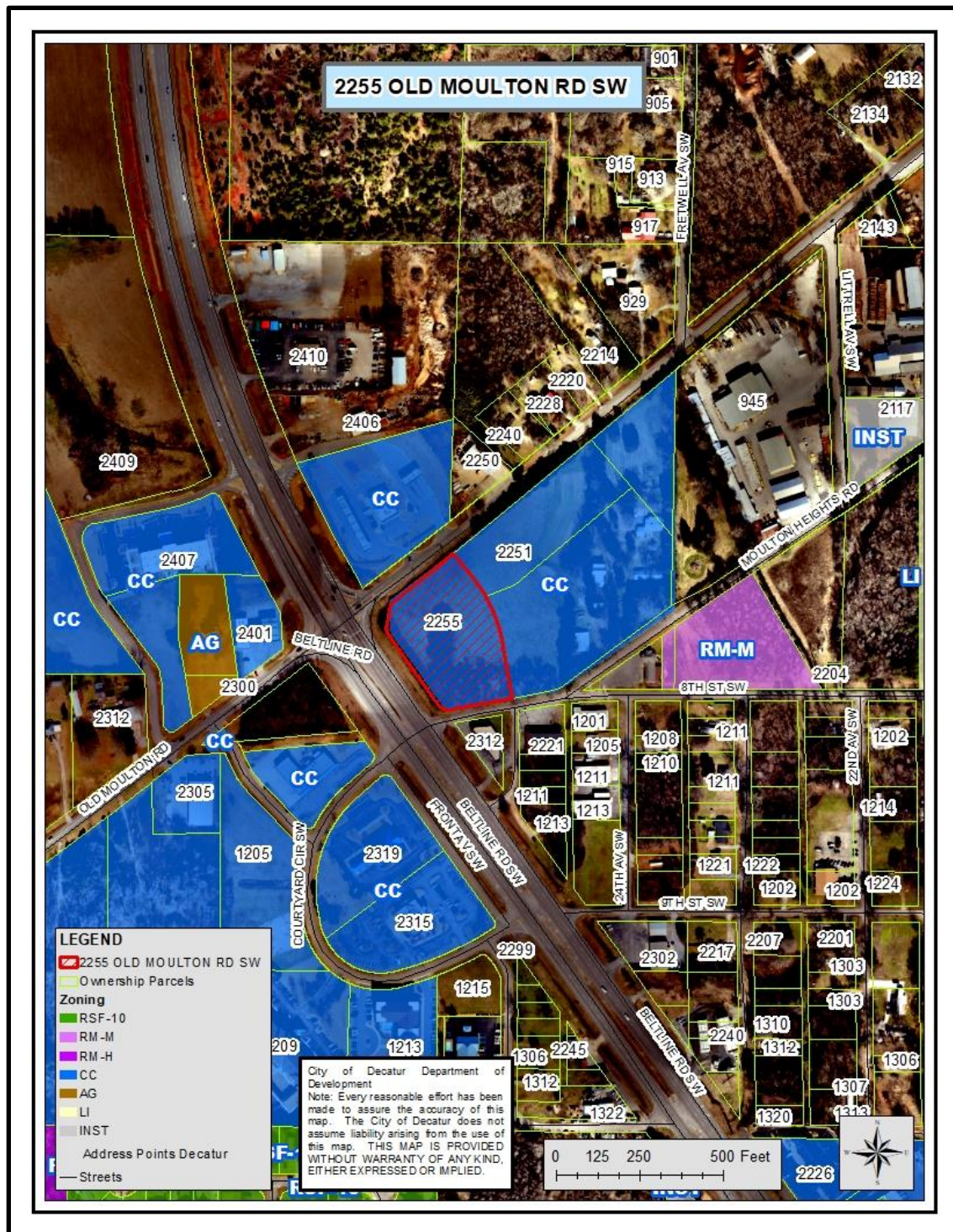
2255 OLD MOULTON



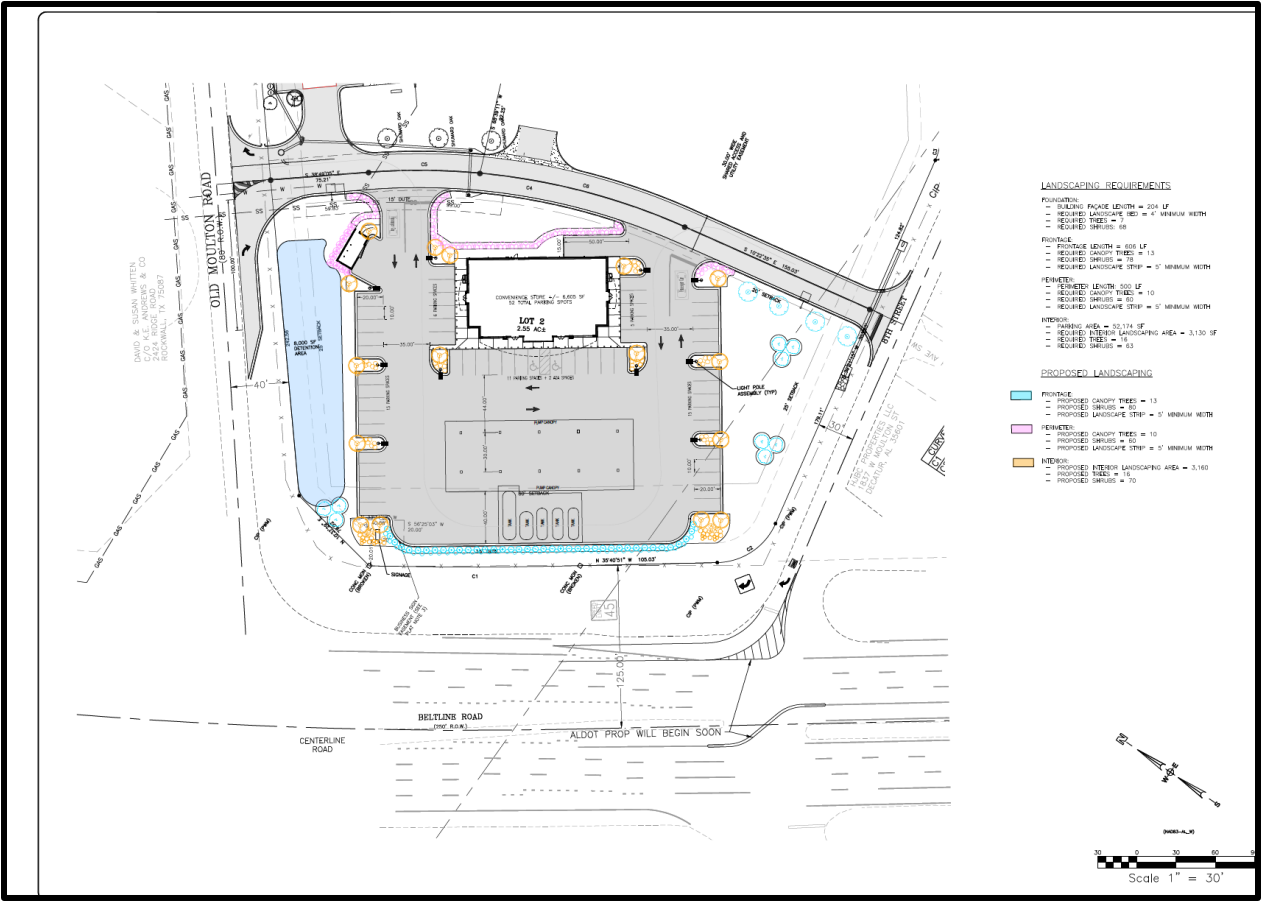
AERIAL MAP-



ZONING MAP-



SURVEY-



BOZA HARDSHIP LETTER – PRIMARY REQUEST

Property Address:

2251 Old Moulton Road

Decatur, AL 35601

To the Honorable Members of the Board of Zoning Adjustment:

I respectfully request approval of a variance to eliminate the required foundation landscaping for the proposed development located at 2251 Old Moulton Road, Decatur, Alabama 35601.

This request is based on the unique physical constraints of the property and the practical difficulties that would result from strict compliance with foundation landscaping.

The site has been carefully laid out to accommodate the building, required parking, drive aisles, utility infrastructure, and stormwater management facilities while maintaining safe and efficient circulation throughout the property. Given the limited size and configuration of the site, the addition of foundation landscaping around the building would reduce usable space and negatively impact pedestrian circulation.

In addition to the site's physical limitations, the operational nature of a convenience store and fueling station makes foundation landscaping particularly difficult to maintain. Unlike traditional retail developments, customers frequently travel on foot around all sides of the building while moving between fueling areas and store entrances. This high volume of pedestrian traffic regularly causes landscaped areas to become compacted, damaged, littered, and trampled.

Based on both industry experience and observations of similar facilities, foundation planting beds at convenience stores often become collection points for litter, beverage containers, receipts, and other debris. Instead of enhancing the visual appearance of the property, these areas can quickly deteriorate and create ongoing maintenance issues that negatively affect curb appeal.

The area surrounding the building must also accommodate numerous operational utility components, including roof downspouts, sewer cleanouts, water meter boxes, valve boxes, underground utility access points, other mechanical and service infrastructure, electrical meterbase, communication svc. entrance and E-stops.

These facilities require routine inspection, maintenance, and occasional repair. Installing landscaping around these elements creates long-term conflicts between plant material and utility accessibility, resulting in repeated disturbance of landscaping and increased maintenance burdens.

Furthermore, we are unaware of any recently constructed convenience stores or gas stations within the area that have successfully implemented extensive foundation

landscaping of the type being required. The unique operational characteristics of these facilities have historically made foundation landscaping difficult to maintain and often ineffective in achieving its intended aesthetic purpose.

Granting this variance would not negatively impact neighboring properties or public welfare. The proposed development will continue to be professionally maintained and aesthetically attractive while allowing for safer circulation, improved functionality, and proper access to critical utility infrastructure.

The hardship is not self-created but results from the physical size and configuration of the property, required stormwater facilities, utility requirements, and the operational characteristics of the proposed use. Strict application of the landscaping requirement would create practical difficulties while providing limited long-term aesthetic benefit.

For these reasons, we respectfully request approval of the variance eliminating the required foundation landscaping at 2251 Old Moulton Road.

Foundation Landscaping Requirements

Requirement	Standard / Quantity
Building façade length	204 linear feet
Landscape bed width	4-foot minimum width
Required trees	7 trees
Required shrubs	68 shrubs

Calculation Summary

- $204 \text{ LF} \div 30 \text{ LF} = 6.80$, rounded up to **7 required trees**.
- $204 \text{ LF} \div 3 \text{ LF} = \mathbf{68 \text{ required shrubs}}$.

Thank you for your time and consideration.

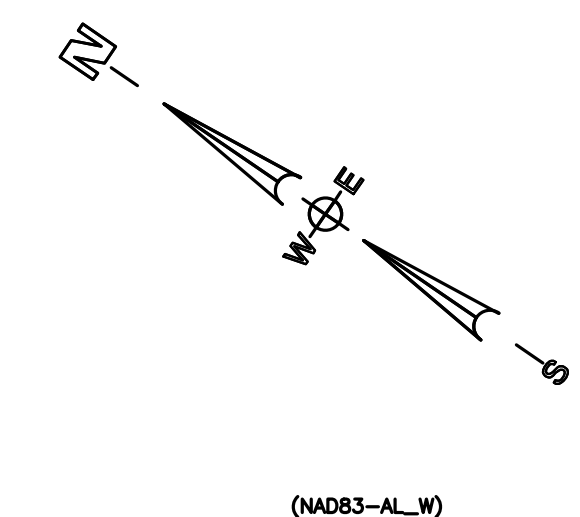
CONCEPTUAL PLANS FOR CONVENIENCE STORE CITY OF DECATUR, AL



PREPARED BY



VICINITY MAP
NTS

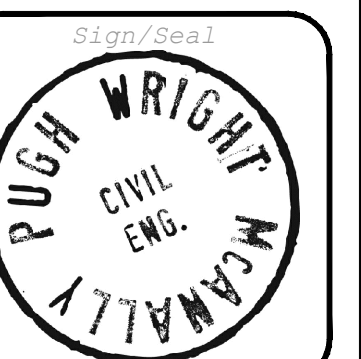


NOT FOR CONSTRUCTION

CONVENIENCE STORE
OLD MOULTON ROAD SITE OVERVIEW
2251 OLD MOULTON RD
SECTION 23, TOWNSHIP 05 SOUTH, RANGE 05 WEST
CITY OF DECATUR, MORGAN COUNTY, ALABAMA

SITE OVERVIEW

Date: 04/16/2026
Drawn By: MAF
Approved By: HBM
Scale: 1"=50'



Job Number:

N/A

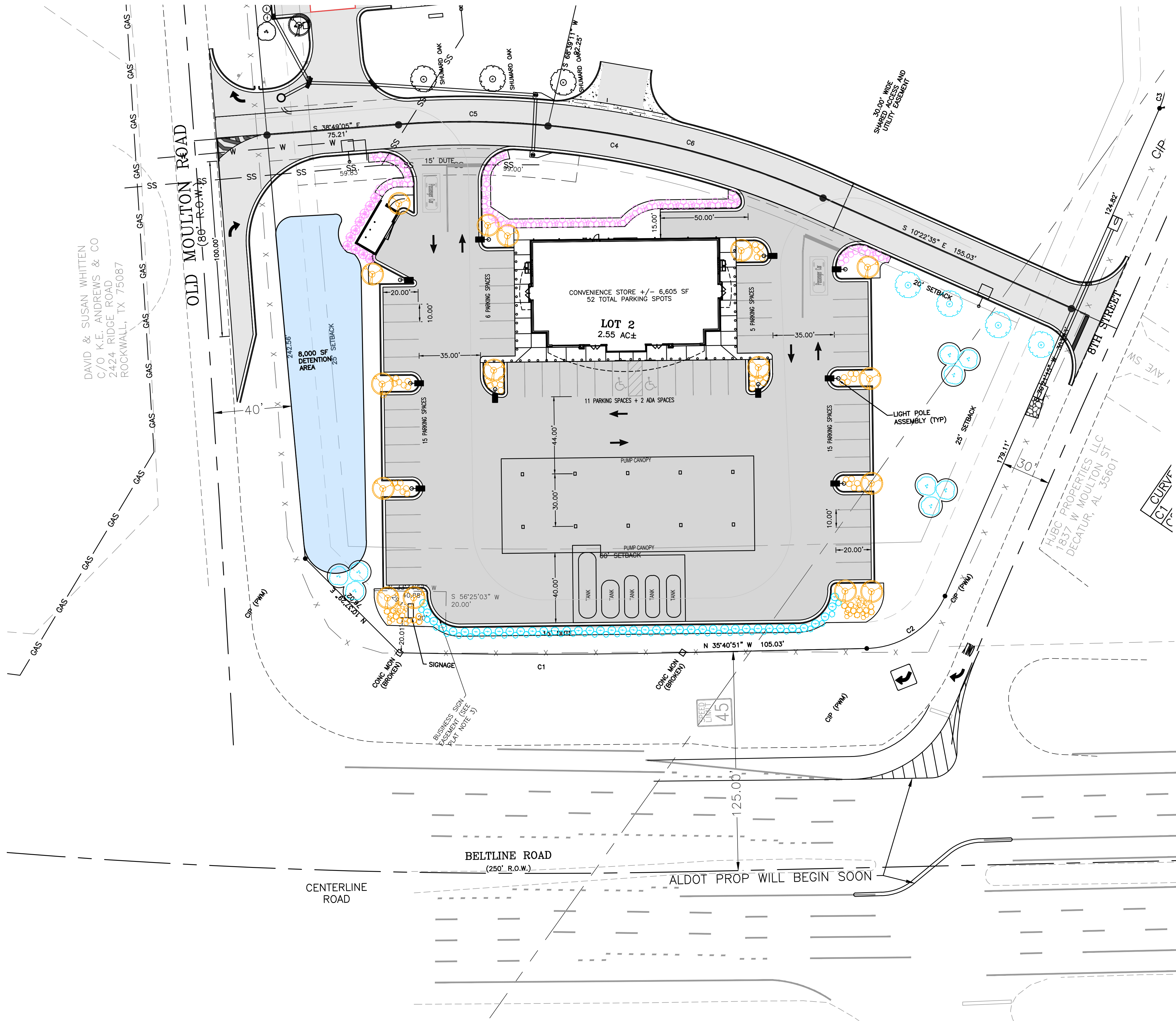
Sheet Number:

DRAFT

REVISIONS

Rev#	Description	Date
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4	..	..
3	..	..
2	..	..
1	..	..





LANDSCAPING REQUIREMENTS

- FOUNDATION:
- BUILDING FAÇADE LENGTH = 204 LF
 - REQUIRED LANDSCAPE BED = 4' MINIMUM WIDTH
 - REQUIRED TREES = 7
 - REQUIRED SHRUBS: 68

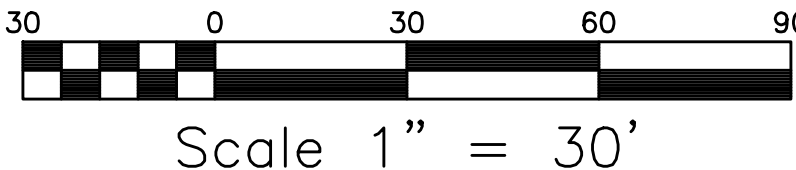
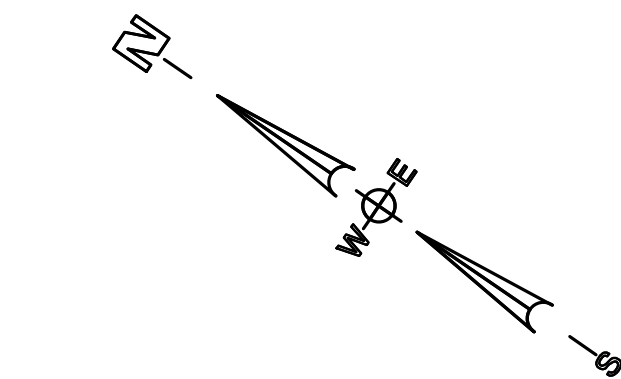
- FRONTAGE:
- FRONTAGE LENGTH = 606 LF
 - REQUIRED CANOPY TREES = 13
 - REQUIRED TREES = 78
 - REQUIRED LANDSCAPE STRIP = 5' MINIMUM WIDTH

- PERIMETER:
- PERIMETER LENGTH: 500 LF
 - REQUIRED CANOPY TREES = 10
 - REQUIRED SHRUBS = 60
 - REQUIRED LANDSCAPE STRIP = 5' MINIMUM WIDTH

- INTERIOR:
- PARKING AREA = 52,174 SF
 - REQUIRED INTERIOR LANDSCAPING AREA = 3,130 SF
 - REQUIRED TREES = 16
 - REQUIRED SHRUBS = 63

PROPOSED LANDSCAPING

- FRONTAGE:
- PROPOSED CANOPY TREES = 13
 - PROPOSED SHRUBS = 80
 - PROPOSED LANDSCAPE STRIP = 5' MINIMUM WIDTH
- PERIMETER:
- PROPOSED CANOPY TREES = 10
 - PROPOSED SHRUBS = 60
 - PROPOSED LANDSCAPE STRIP = 5' MINIMUM WIDTH
- INTERIOR:
- PROPOSED INTERIOR LANDSCAPING AREA = 3,160
 - PROPOSED TREES = 16
 - PROPOSED SHRUBS = 70



NOT FOR CONSTRUCTION



REVISIONS		Date
5		
4		
3		
2		
1		
Rev#	Description	

CONVENIENCE STORE
OLD MOULTON ROAD SITE OVERVIEW
2251 OLD MOULTON RD
SECTION 23, TOWNSHIP 05 SOUTH, RANGE 05 WEST
CITY OF DECATUR, MORGAN COUNTY, ALABAMA

Date: 07/10/2026
Drawn By: MAF
Approved By: HBM
Scale: 1"=30'



Job Number:
N/A

Sheet Number:
DRAFT

003/ MJB KMS JRML
PM? B QU



SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED

STATE OF ALABAMA }
COUNTY OF MORGAN }

I, RICHARD W. HUMPHREY, A REGISTERED LAND SURVEYOR OF DECATUR, ALABAMA, HEREBY STATE THAT I HAVE SURVEYED THE PROPERTY OF **OMEGA SUBDIVISION**, SITUATED IN THE CITY OF DECATUR, MORGAN COUNTY, ALABAMA, AND DESCRIBED AS FOLLOWS:

TRACT "A" ACCORDING TO CERTIFICATE TO SUBDIVIDE AS RECORDED IN MISC. BOOK 2022 AT PAGE 11700 IN THE OFFICE OF THE JUDGE OF PROBATE, MORGAN COUNTY, ALABAMA, ALSO DESCRIBED AS FOLLOWS:

A PORTION OF THE SOUTHWEST QUARTER SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 5 WEST, AND MORE PARTICULARLY DESCRIBED AS BEGINNING AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE SOUTH 01 DEGREES 05 MINUTES 30 SECONDS WEST (ALABAMA STATE PLANE GRID, WEST ZONE [NAD83]) FOR A DISTANCE OF 1704.45 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS") ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF OLD MOULTON ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING CONTINUE SOUTH 01 DEGREES 05 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 706.66 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS") ON THE NORTHERLY RIGHT-OF-WAY MARGIN OF MOULTON HEIGHTS ROAD (30' FROM ROAD CENTERLINE); THENCE ALONG SAID MARGIN, SOUTH 53 DEGREES 30 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 412.58 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS") AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY MARGIN OF MOULTON HEIGHTS ROAD AND THE SOUTHERLY RIGHT-OF-WAY MARGIN OF 8TH STREET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET (CHORD BEARING SOUTH 66 DEGREES 25 MINUTES 44 SECONDS WEST, CHORD DISTANCE 22.37 FEET) AN ARC DISTANCE OF 22.56 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS"); THENCE ALONG SAID MARGIN OF 8TH STREET, SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 303.93 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS"); THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET (CHORD BEARING NORTH 68 DEGREES 09 MINUTES 48 SECONDS WEST, CHORD DISTANCE 53.70 FEET) AN ARC DISTANCE OF 56.69 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS") ON THE EASTERLY R.O.W. MARGIN OF BELTLINE ROAD; THENCE ALONG SAID EASTERLY MARGIN, NORTH 35 DEGREES 40 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 105.03 FEET TO A CONCRETE MONUMENT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3694.79 FEET (CHORD BEARING NORTH 34 DEGREES 25 MINUTES 45 SECONDS WEST, CHORD DISTANCE 161.43 FEET) AN ARC DISTANCE OF 161.44 FEET TO A CONCRETE MONUMENT; THENCE CONTINUE ALONG SAID MARGIN, NORTH 10 DEGREES 37 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 76.02 FEET TO A CAPPED IRON PIN (STAMPED, "PWM AL/CA0021/LS") AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BELTLINE ROAD AND THE SOUTHERLY RIGHT-OF-WAY MARGIN OF OLD MOULTON ROAD; THENCE ALONG SAID SOUTHERLY MARGIN, NORTH 50 DEGREES 27 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 1105.67 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 10.92 ACRES MORE OR LESS.

AND THAT THE PLAT OR MAP CONTAINED HEREON IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED GIVING THE LENGTH AND BEARINGS OF EACH LOT AND ITS NUMBER AND SHOWING THE STREETS, EASEMENTS, AND PUBLIC GROUNDS AND GIVING THE BEARINGS AND LENGTH, WIDTH AND NAME OF EACH STREET, EASEMENT AND PUBLIC GROUND AND SAID MAP FURTHER SHOWS THE RELATIONSHIP OF THE LAND SO PLATTED TO THE GOVERNMENT SURVEY.

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.

WITNESS MY HAND THIS 12th DAY OF FEBRUARY, 2026.

Richard W. Humphrey
RICHARD W. HUMPHREY, PE/PLS
AL LICENSE NUMBER 22738

DEDICATION

I, BOB KUMAR, AS Managing Partner OF BCS DECATUR, LLC, AS OWNER, HAS CAUSED THE LAND EMBRACED IN THE WITH PLAT TO BE SURVEYED, LAID OUT AND PLATTED TO BE KNOWN AS **OMEGA SUBDIVISION**, A PART OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 5 WEST, CITY OF DECATUR, MORGAN COUNTY, ALABAMA, AND THAT THE STREETS, DRIVES, ALLEYS, ETC. AS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC AS SIGNED AND SEALED IN THE PRESENCE OF:

BCS DECATUR, LLC

BY: BOB KUMAR

AS ITS: Managing Partner

STATE OF Alabama

COUNTY OF Morgan

I, Kimberly A. Farris, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE, HEREBY CERTIFY THAT BOB KUMAR, WHOSE NAME AS Managing Partner OF BCS DECATUR, LLC, IS SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY, THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, HE AS SUCH Managing Partner AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 13th DAY OF February, 2026.

Kimberly A. Farris
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/05/2027

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

THE UNDERSIGNED, AS CITY ENGINEER OF THE CITY OF DECATUR, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE OFFICE OF THE PROBATE JUDGE THIS 16 DAY OF February, 2026.

CITY ENGINEER, CITY OF DECATUR, ALABAMA

CERTIFICATE OF APPROVAL BY DECATUR UTILITIES

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF DECATUR, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE OFFICE OF THE PROBATE JUDGE THIS 16 DAY OF February, 2026.

DECATUR UTILITIES
☒ ELECTRIC (WITHIN DU JURISDICTION) ☒ GAS
☒ WATER ☒ SEWER

CERTIFICATE OF APPROVAL BY JOE WHEELER ELECTRIC COOPERATIVE

THE UNDERSIGNED, AS AUTHORIZED BY THE JOE WHEELER ELECTRIC COOPERATIVE, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF THE SAME IN THE OFFICE OF THE PROBATE JUDGE THIS 16 DAY OF February, 2026.

JOE WHEELER ELECTRIC COOPERATIVE

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

THE WITHIN PLAT OF **OMEGA SUBDIVISION**, DECATUR, MORGAN COUNTY, ALABAMA, IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF DECATUR, ALABAMA, THIS 16th DAY OF February, 2026.

PLANNING COMMISSION FOR THE CITY OF DECATUR, ALABAMA

OFFICER OF THE PLANNING COMMISSION

OFFICE OF THE JUDGE OF PROBATE

STATE OF ALABAMA)
COUNTY OF MORGAN)

I HEREBY CERTIFY THAT THIS PLAT OR MAP WAS FILED IN THIS OFFICE FOR RECORD THIS 2nd DAY OF March, 2026, AT 1:40 O'CLOCK P.M.

AND RECORDED IN BOOK 2026 OF PLATS AND MAPS, PAGE 9 RECORDING 20.00 PAID.

JUDGE OF PROBATE

PLAT NOTES

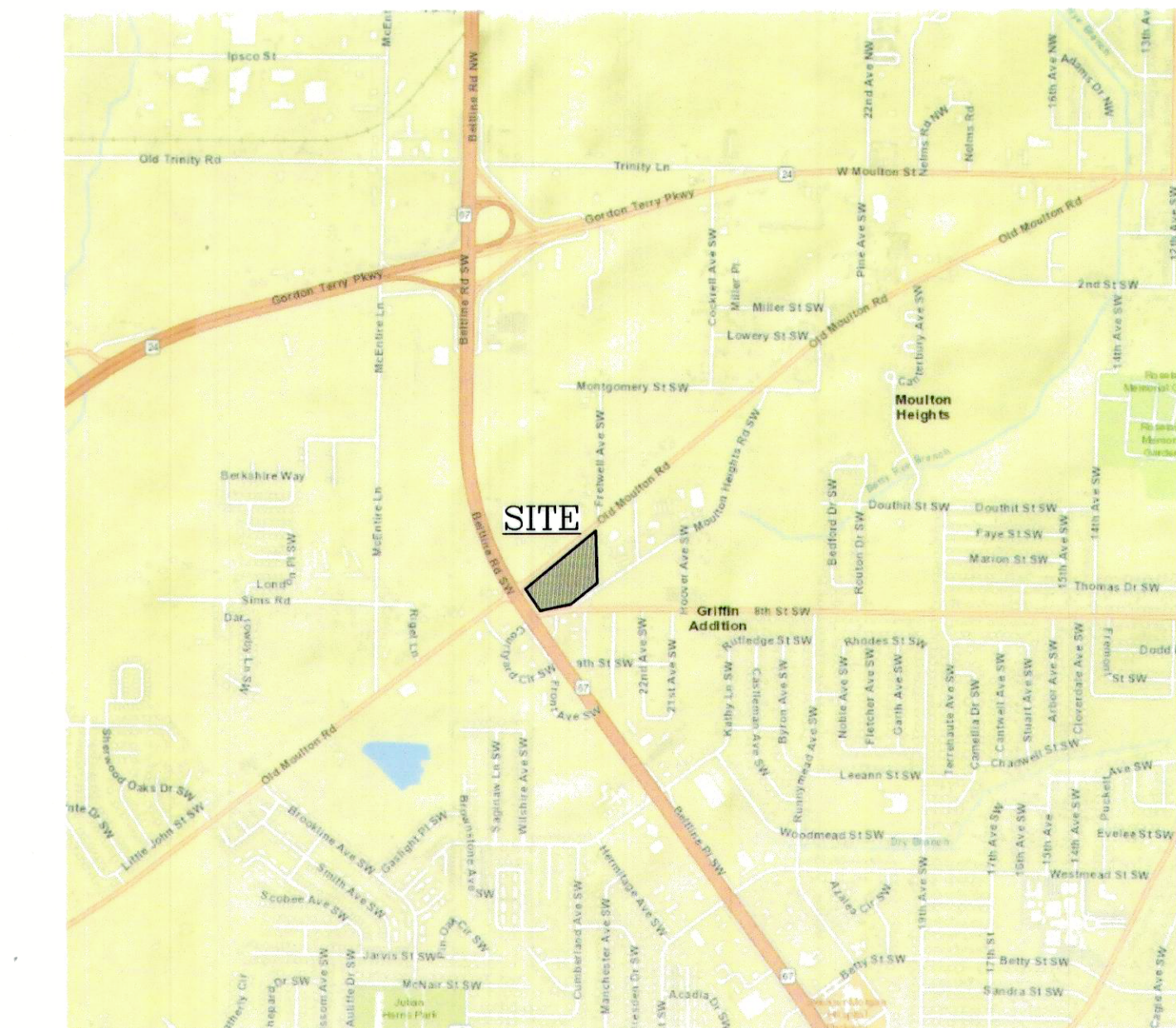
1. A TOTAL OF 4 LOTS
2. ALL EASEMENTS ARE PUBLIC DRAINAGE, UTILITIES AND TELECOMMUNICATIONS EASEMENT UNLESS OTHERWISE NOTED
3. BUSINESS SIGN EASEMENT SHALL BE FOR THE BENEFIT OF EACH LOT FOR A SHARED SIGN
4. ZONED CC AT TIME OF PLATTING
5. TOTAL ACREAGE: 10.80 ACRES±
6. OWNER: BCS DECATUR, LLC
1329 US HIGHWAY 72 EAST
ATHENS, AL 35611

FLOODPLAIN NOTE

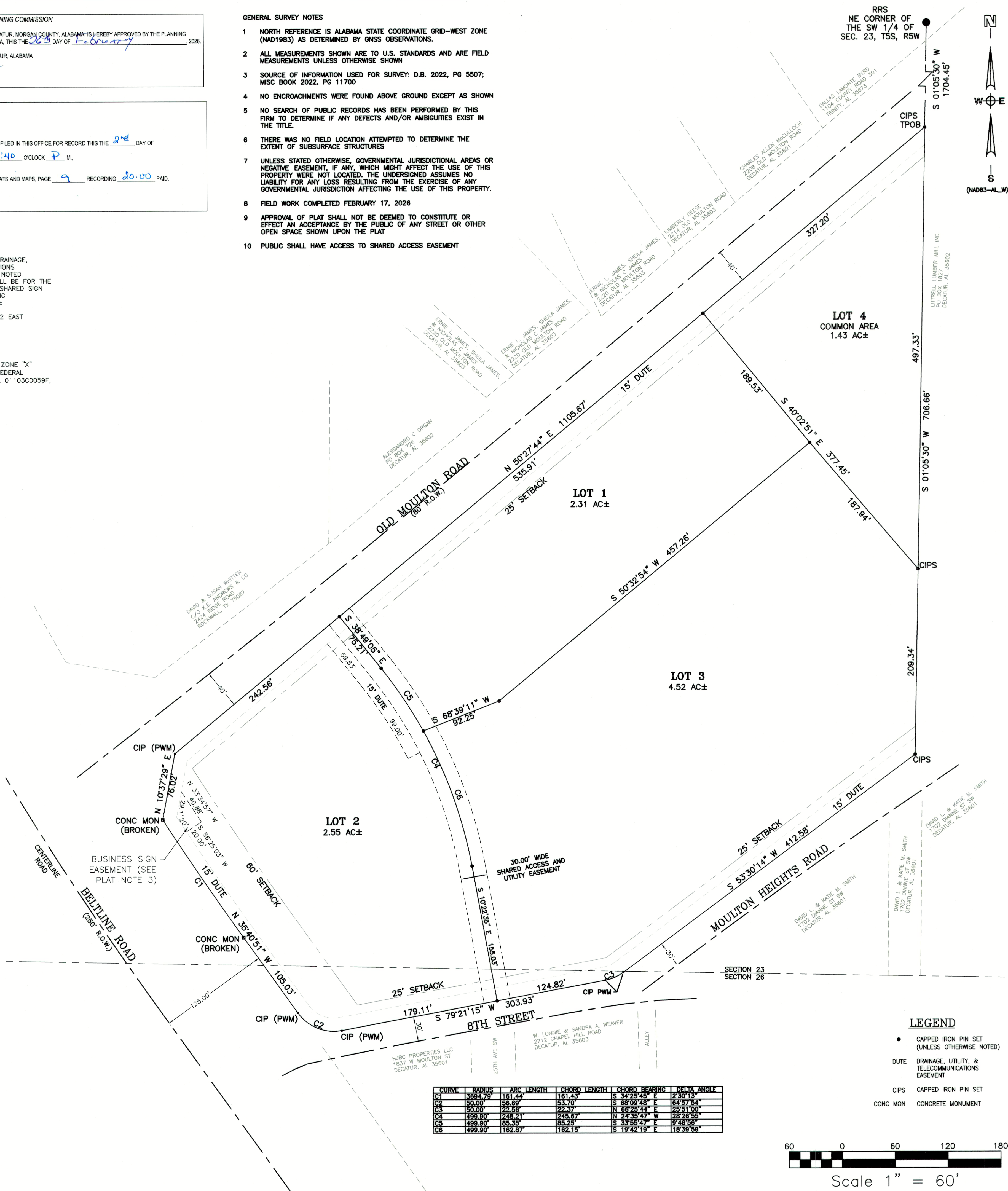
PROPERTY SHOWN HEREON LIES IN ZONE "X" (UNSHADED) ACCORDING TO FEMA FEDERAL INSURANCE RATE MAP (FIRM) PANEL 01103C0059F, DATED AUGUST 16, 2018

GENERAL SURVEY 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 5507; MISC BOOK 2022, PG 11700
- 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 COMPLETED FEBRUARY 17, 2026
- 9 APPROVAL OF PLAT SHALL NOT BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE PUBLIC OF ANY STREET OR OTHER OPEN SPACE SHOWN UPON THE PLAT
- 10 PUBLIC SHALL HAVE ACCESS TO SHARED ACCESS EASEMENT



LOCATION MAP



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	3694.79	161.44	161.43	S 35°40'51\"	105.03'
C2	50.00	56.69	53.70	S 68°09'48\"	64°57'52\"
C3	50.00	22.56	22.37	N 68°25'44\"	25°51'00\"
C4	50.00	22.56	22.37	S 35°40'51\"	105.03'
C5	499.90	85.36	85.29	S 35°40'51\"	105.03'
C6	499.90	162.87	162.15	S 19°42'19\"	118°39'59\"

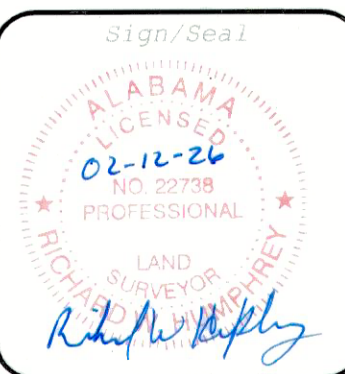
Scale 1" = 60'



REVISIONS	Rev#	Description	Date
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4	4		
3	3		
2	2		
1	1		

OMEGA HOTEL GROUP, LLC
FINAL PLAT
2251 OLD MOULTON ROAD
SECTION 23 & 26, TOWNSHIP 5 SOUTH, RANGE 5 WEST
DECATUR, MORGAN COUNTY, ALABAMA
OMEGA SUBDIVISION

Date: 02/11/2026
Drawn By: RWH
Approved By: RWH
Scale: 1"=60'



Job Number:
516-26

Sheet Number:
1 OF 1

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: 2251 OLD MOULTON RD DECATUR, AL 35601

Name of Applicant(s): PWM INC. FOR WEIGEL'S INC. Phone: 256.353.3937

Address: 310 9TH AVENUE NE DECATUR, ALABAMA 35601 Email: Blakem@pughwrightmcanally.com

Name of Owner(s): BCS Decatur, LLC - BOB KUMAR Phone: 256-325-0782

Address: 9694 Madison Blvd. Suite A-16. Madison, Al 35756 Email: www.omegahotelgroup.com

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

Current Zoning: CC Total Acreage: +/-2.55 Current Use of Property: Undeveloped vacant property

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: 07 / 10 / 2026



Proof of Ownership

*The date of the next available meeting is: 07 / 28 / 2026



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: H. Blake McAnally Date: 7 / 9 / 2026

STATE OF ALABAMA

COUNTY OF Morgan

I, Kimberly A. Farris, a Notary Public in and for said State at Large, hereby certify that
H. Blake McAnally, 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 9th day of July, 2026.

Kimberly A. Farris, Notary Public

My Commission Expires: 12/05/2027

DESIGNATION OF AGENT
CITY OF DECATUR



I, BCS DECATUR, LLC - Bhavesh (Bob) Kumar, being owner of the property which is the subject of this application (2251 OLD MOULTON RD DECATUR, AL 35601), hereby authorize PUGH WRIGHT MCANALLY, INC. to act as my representative with the City of Decatur's staff, and/or Planning Commission, and/or Board of Zoning Adjustment, and/or Historic Preservation Commission, and/or City Council, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property owner's or owners' signature(s):  Date: 7/14/26

Date: _____

STATE OF ALABAMA

COUNTY OF MADISON

I, GABRIELA MARTIN, a Notary Public in and for said State at Large, hereby certify that BHAVESH (BOB) KUMAR, whose name is signed to the foregoing document, and

____ Who is known to me, or

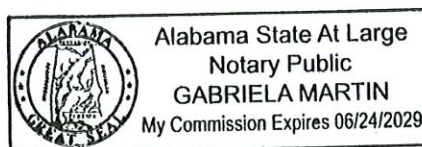
X Whose identity I proved on the basis of ALABAMA DRIVERS LICENSE

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 14th day of JULY, 2024.



Notary Public



My Commission Expires: JUNE 24, 2029

2022 5507
Recorded in the Above
DEED Book & Page
05-12-2022 03:09:18 PM
Greg Cain - Probate Judge
State of Alabama, Morgan County

This instrument prepared by:

Lawrence C. Weaver
Wilmer & Lee, P.A.
Post Office Box 1429
Decatur, Alabama 35602

STATE OF ALABAMA

COUNTY OF MORGAN

QUITCLAIM DEED

This deed is to perfect title.

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, in hand paid to the undersigned, the receipt whereof is hereby acknowledged, the undersigned, Allan Mundy Littrell and wife, Penelope H. Littrell (herein referred to as the "Grantors"), hereby remise, release, quitclaim, grant, sell, and convey to BCS Decatur, LLC, an Alabama limited liability company (hereinafter called the "Grantee"), all right, title, interest and claim in or to the following described real estate, situated in Morgan County, Alabama, to-wit:

A PORTION OF THE SOUTHWEST QUARTER SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 5 WEST, AND MORE PARTICULARLY DESCRIBED AS BEGINNING AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE SOUTH 01 DEGREES 05 MINUTES 30 SECONDS WEST (ALABAMA STATE PLANE GRID, WEST ZONE [NAD83]) FOR A DISTANCE OF 1704.46 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF OLD MOULTON ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING CONTINUE SOUTH 01 DEGREES 05 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 740.66 FEET TO THE NORTH EDGE OF MOULTON HEIGHTS ROAD; THENCE ALONG SAID ROAD, SOUTH 54 DEGREES 40 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 409.70 FEET TO POINT AT THE INTERSECTION OF MOULTON HEIGHTS ROAD AND 8TH STREET; THENCE ALONG 8TH STREET, SOUTH 79 DEGREES 22 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 340.65 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY MARGIN OF BELTLINE ROAD; THENCE ALONG SAID MARGIN, NORTH 35 DEGREES 40 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 158.15 FEET TO A CONCRETE MONUMENT ON THE EASTERLY RIGHT-OF-WAY MARGIN OF BELTLINE ROAD; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3694.79 FEET (CHORD BEARING NORTH 34 DEGREES 25

MINUTES 45 SECONDS WEST, CHORD DISTANCE 161.43 FEET) AN ARC DISTANCE OF 161.44 FEET TO A CONCRETE MONUMENT; THENCE CONTINUE ALONG SAID MARGIN, NORTH 10 DEGREES 37 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 76.02 FEET TO A POINT AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BELTLINE ROAD AND THE SOUTHERLY RIGHT-OF-WAY MARGIN OF OLD MOULTON ROAD; THENCE ALONG SAID SOUTHERLY MARGIN, NORTH 50 DEGREES 27 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 1105.67 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 11.17 ACRES MORE OR LESS.

TO HAVE AND TO HOLD to said Grantee forever.

GIVEN under our hands and seals this the 11th day of May, 2022.

Allan Littrell (Seal)
Allan Mundy Littrell

Penelope H. Littrell (Seal)
Penelope H. Littrell

STATE OF ALABAMA

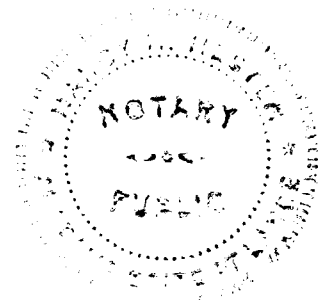
COUNTY OF MORGAN

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Allan Mundy Littrell and Penelope H. Littrell, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 11th day of May, 2022.

Heather H. Hester
NOTARY PUBLIC
My commission expires: 2-5-2024

Grantee's address:
BCS Decatur, LLC
1329 U.S. Highway 72 East
Athens, Alabama 35611



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

Grantor's Name Allan Mundy Littrell and Penelope H. Littrell
Mailing Address 2217 Old Moulton Road
Decatur, Alabama 35601

Grantee's Name BCS Decatur, LLC
Mailing Address 1329 U. S. Highway 72 East
Athens, Alabama 35611

Property Address 2319 Old Moulton Road
Decatur, Alabama 35601

Date of Sale 05/12/2022
Total Purchase Price \$ NA
or
Actual Value \$ No Value, given to cure title
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
☐ Sales Contract
☒ Closing Statement

☐ Appraisal
☐ Other

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 05/12/2022

Print Barnes F. Lovelace, Jr.

☐ Unattested

Sign

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

STATE OF ALABAMA

DOMESTIC LIMITED LIABILITY COMPANY (LLC)
CERTIFICATE OF FORMATION

PURPOSE: In order to form a Limited Liability Company (LLC) under Section 10A-5A-2.01 of the Code of Alabama 1975, this Certificate of Formation and the appropriate filing fees must be filed with the Office of the Secretary of State. **The information required in this form is required by Title 10A.**

1. The name of the limited liability company (must contain the words "Limited Liability Company" or the abbreviation "L.L.C." or "LLC," and comply with Code of Alabama, Section 10A-1-5.06. You may use Professional or Series before Limited Liability Company or LLC (or PLLC or SLLC) if they apply:

BCS Decatur, LLC

2. A copy of the Name Reservation Certificate from the Office of the Secretary of State must be attached.

3. The name of the registered agent (only one agent): Bhavesh Kumar

Street (**no PO Boxes**) address of registered office (**must be located in Alabama**):

1329 U.S. Highway 72 East Athens, AL 35611

***COUNTY** of above address: LIMESTONE

Mailing address **in Alabama** of registered office (if different from street address):

4. The undersigned certify that there is at least one member of the limited liability company.

(For SOS Office Use Only)

Alabama	
Sec. Of State	
001-018-557	DLL
Date	05/06/2022
Time	09:18:00
File	\$100.00
County	\$100.00

Total	\$200.00

DOMESTIC LIMITED LIABILITY COMPANY (LLC) CERTIFICATE OF FORMATION

5. Check **only** if the type applies to the Limited Liability Company being formed:

☐ Series LLC complying with Title 10A, Chapter 5A, Article 11

☐ Professional LLC complying with Title 10A, Chapter 5A, Article 8

☐ Non-Profit LLC complying with Section 10A-5A-1.04(c)

6. The filing of the limited liability company is effective immediately on the date received by the office of the Secretary of State, Business Services Division or at the delayed filing date (cannot be prior to the filing date) specified in this filing complying with Section 10A-1-4.12

The undersigned specify 5 / 6 / 2022 as the effective date (must be on or after the date filed in the office of the Secretary of State, but no later than the 90th day after the date this instrument was signed) and the time of filing to be 9 : 18 ☒ AM or ☐ PM. (cannot be noon or midnight – 12:00)

☒ Attached are any other matters the members determine to include herein (if this item is checked there must be attachments with the filing).

5 / 6 / 2022
Date (MM/DD/YYYY)

Barnes F. Lovelace, Jr.

Signature as required by 10A-5A-2.04

Organizer

Typed title (organizer or attorney-in-fact)

*County of Registered Agent is requested in order to determine distribution of County filing fees.

Additional Details

Organizers

Organizer	Street Address	Mailing Address
Barnes F Lovelace Jr.	214 Johnston Street SE Decatur, AL 35601	Post Office Box 2688 Decatur, AL 35602-2688

John H. Merrill
Secretary of State

P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

**I, John H. Merrill, Secretary of State of Alabama, having custody of the
Great and Principal Seal of said State, do hereby certify that**

pursuant to the provisions of Title 10A, Chapter 1, Article 5, Code of Alabama
1975, and upon an examination of the entity records on file in this office, the
following entity name is reserved as available:

BCS Decatur, LLC

This name reservation is for the exclusive use of Barnes F. Lovelace, Jr., Post
Office Box 2688 , Decatur, AL 35602-2688 for a period of one year beginning
May 03, 2022 and expiring May 03, 2023



RES020536

**In Testimony Whereof, I have hereunto set my
hand and affixed the Great Seal of the State, at the
Capitol, in the city of Montgomery, on this day.**

May 03, 2022

Date

A handwritten signature in black ink that reads 'J. H. Merrill'.

John H. Merrill

Secretary of State

ADDITIONAL PROVISIONS TO THE CERTIFICATE OF FORMATION OF BCS DECATUR, LLC

BELOW ARE ADDITIONAL PROVISIONS TO THE CERTIFICATE OF FORMATION OF BCS DECATUR, LLC, WHICH PROVISIONS ARE NOT INCONSISTENT WITH APPLICABLE LAW RELATING TO THE ORGANIZATION, OWNERSHIP, GOVERNANCE, BUSINESS, OR AFFAIRS OF SUCH LIMITED LIABILITY COMPANY:

With regard to the formation of BCS Decatur, LLC (the “Company”), the following additional provisions are applicable:

ARTICLE ONE Purposes for Which Company Formed

The purposes for which the Company is formed and the powers which it has in furtherance of its purposes are:

1.1. To engage in and carry on the business of buying, leasing, or otherwise acquiring real estate of every kind and description; to own, operate, and manage real estate, including rental and leasing operations of all types; to buy and sell all forms of personal property and to manage the same; to construct and erect, or to contract for the construction and erection of, buildings and structures in or upon real estate for any uses and purposes; to own, hold, improve, develop, subdivide, maintain, operate, lease, sell, mortgage, or otherwise dispose of real estate or any part thereof; and to do all things and engage in all matters associated with any of the foregoing;

1.2. To engage in and carry on the business of buying, leasing, or otherwise acquiring investments of every kind and description; to lend money and negotiate loans, both short and long term; to draw, accept, endorse, discount, buy, sell, and deliver bills of exchange, checks, drafts, promissory notes, bonds, debentures, coupons, and other negotiable instruments and securities; to finance the purchase or other acquisition of any item of real or personal property of any description or condition by any person, business, entity, or otherwise; and to do all things and engage in all matters associated with any of the foregoing;

1.3. To aggregate the assets of the Members, if more than one, for efficient investment, to facilitate the administration of the Company’s property and to protect the business of the Company and the Company’s property from being disturbed by the Members and their creditors, except for the purposes of the Company;

1.4. To conduct business under the Company's name and under such trade name(s) as the Company deems proper and appropriate;

1.5. To engage in any lawful business, act, or activity for which a limited liability company may be organized under the Alabama Limited Liability Company Law (the "ALLCL"), it being the purpose and intent of this Article to invest the Company with the broadest purposes, objects, and powers lawfully permitted a limited liability company formed under the ALLCL; and

1.6. To carry on any and all aspects, ordinary or extraordinary, of any lawful business, and to enter into and carry out any transaction, ordinary or extraordinary, permitted by law, having and exercising in connection herewith all powers given to limited liability companies by the laws of the State of Alabama.

ARTICLE TWO

Admission of New Members

From and after the date of the formation of the Company, any person or entity may become a Member in the Company either by the issuance by the Company of membership interests for such consideration as the Members determine, or as a transferee of a Member's membership interest, or any portion thereof, in the manner and subject to the terms and conditions of the Certificate of Formation and the Company Agreement.

ARTICLE THREE

Management of the Company

Management of the Company is to be vested in one (1) Manager. The name and address of the initial Manager, who is to serve as Manager of the Company until his successor is elected and begins serving is:

<u>Name</u>	<u>Address</u>
Bhavesk Kumar	208 Watterson Way Madison, Alabama 35756

ARTICLE FOUR

Authority of Manager

4.1. The Manager has the power, on behalf of the Company, to do all things necessary or convenient to carry out the day-to-day business and affairs of the Company.

4.2. The authority of the Manager includes, without limitation, the authority to enter into contracts for the construction of homes and other structures, and to do all things connected with the ordinary day-to-day operation of the Company's business, specifically including the following:

4.2.1. Purchase, receive, lease, or otherwise acquire real estate by the Company;

4.2.2. Sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of real estate by the Company;

4.2.3. Institute, prosecute, or defend any lawsuit or legal proceeding in the Company's name;

4.2.4. Borrow money, or issue notes, bonds, or other obligations, and secure any of the Company's obligations by mortgage or pledge of any of the Company's real estate; and

4.2.5. Execute and deliver any instrument on behalf of the Company, including any deed, deed of trust, note, or other evidence of indebtedness, lease agreement, security agreement, financing statement, contract of sale, or other instrument purporting to convey or encumber, in whole or in part, any or all of the property of the Company, at any time held in its name, with no other signatures being required for any such instrument to be valid, binding, and enforceable against the Company in accordance with its terms.

4.3. Any change or limitation to the authority given the Manager hereunder may be made only by appropriate amendment to the Certificate of Formation. The Company Agreement may establish additional limitations on the authority of the Manager, but any such limitations will be binding only on persons with actual notice of such limitations.

4.4. Any third party may rely on any representation made in writing and signed by the Manager of the Company, as identified herein, and as the same may be amended from time to time, that an action to be taken by a Manager is within such Manager's authority and discretion, unless otherwise expressly stated in the Certificate of Formation, and such third party need not refer to the Company Agreement to determine the validity of such representation.

ARTICLE FIVE

Indemnification

5.1. In amplification, and not in limitation, of applicable provisions of the ALLCL and other provisions of Alabama law:

5.1.1. The Company will indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened, pending, or completed claim, action, suit, or proceeding, whether civil, criminal, administrative, or investigative, including appeals (other than an action by or in the right of the Company), by reason of the fact that such person is or was a member, officer, employee, or agent of the Company, or is or was serving at the request of the Company as a director, officer, partner, employee, or agent of another limited liability company, partnership, joint venture, trust, or other enterprise, against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by the such person in connection with such claim, action, suit, or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Company, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any claim, action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, will not, of itself, create a presumption that such person did not act in good faith and in a manner which he or she reasonably believed to be in, or not opposed to, the best interests of the Company, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

5.1.2. The Company will indemnify any person who was or is a party, or who is threatened to be made a party, to any threatened, pending, or completed claim, action or suit by or in the right of the Company to procure a judgment in its favor by reason of the fact that he or she is or was a member, officer, employee, or agent of the Company, or is or was serving at the request of the Company as a director, officer, partner, member, employee, or agent of another limited liability company, partnership, joint venture, trust, or other enterprise against expenses (including attorney's fees) actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Company, and except that no indemnification will be made in respect of any claim, issue or matter as to which such person has been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Company unless and only to the extent that the court in which such action or suit was brought determines upon application that, despite the

adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court deems proper.

5.2. To the extent that a member, officer, employee, or agent of the Company has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in Section 5.1, or in defense of any claim, issue, or matter therein, he or she will be indemnified against expenses (including attorney's fees) actually and reasonably incurred in connection therewith, notwithstanding that he or she has not been successful on any other claim, issue, or matter in any such action, suit, or proceeding.

5.3. Any indemnification under Section 5.1 (unless ordered by a court) will be made by the Company only as authorized in the specific case upon a determination that indemnification of the member, officer, employee, or agent is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Section 5.1. Such determination will be made by the Members by a majority vote of a quorum consisting of members who were not parties to, or who have been wholly successful on, the merits, or otherwise with respect to such claim, action, suit or proceeding. If such a quorum is not obtainable, or even if obtainable, if a quorum of disinterested Members so directs, such determination will be made by independent legal counsel in a written opinion or by the Members.

5.4. Expenses (including attorneys' fees) incurred in defending a civil or criminal claim, action, suit or proceeding may be paid by the Company in advance of the final disposition of such claim, action, suit or proceeding as authorized in the manner provided in this Article upon receipt of an undertaking by or on behalf of the member, officer, employee or agent to repay such amount if, and to the extent that, it will ultimately be determined that he or she is not entitled to be indemnified by the Company as authorized in this Article.

5.5. The indemnification authorized by this Article will not be deemed exclusive of and will be in addition to, any other rights to which those indemnified may be entitled under any statute, rule of law, provision of certificate of formation, company agreement, other agreement, vote of Members or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and will continue as to a person who has ceased to be a manager, officer, employee or agent and will inure to the benefit of the heirs, executors and administrators of such a person.

5.6. The Company will have the power to purchase and maintain insurance on behalf of any person who is or was a manager, officer, employee, or agent of the Company, or is or was serving at the request of the Company as a director, officer, partner, member, employee, or agent of another limited liability company, partnership,

joint venture, trust, or other enterprise against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the Company would have the power to indemnify him or her against such liability under the provisions of this Article.

This instrument prepared by:

Barnes F. Lovelace, Jr.

HARRIS, CADDELL & SHANKS, P.C.

214 Johnston Street SE

Decatur, Alabama 35601

(256) 340 - 8043

Board of Zoning
Adjustment Staff
Report



Use-Variance 260728-03

MEETING DATE: August 4th, 2026

PETITIONER: Peyton Morris

PROPERTY OWNER: Keith Carney

SUBJECT ADDRESS: West of 405 Jackson Street

REQUEST: Use-Variance request to have a professional office in a residential zone

CURRENT ZONING: RS-7 (Residential Single -Family)

LOCATION: West of 405 Jackson Street

SURROUNDING LAND North: CC (Community Commercial)

USES AND ZONING: South: RS-7 (Residential Single-Family)

East: RS-7 (Residential Single-Family)

West: CB (Central-Business)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting approval of a use variance to authorize the construction and operation of a new professional office on a vacant parcel located within a historic residential district, where the underlying zoning regulations do not permit such use.

APPLICANT'S HARDSHIP (FROM APPLICATION):

We believe that the property located at 410 Jackson Street SE, Decatur, AL 35601 should be considered for a use variance. We believe that this property should have the option to be used as professional office space due to its proximity to commercial properties. This property sits directly across from Raymond James and St. James Episcopal Church. Keeping the Zoning residential ensures that the construction conforms with Historic Preservation. This use allows the building to be converted to residential if it were desired at any point, as was previously completed at 408-412 4th avenue (directly across the alley).

ZONING ORDINANCE REFERENCED-TABLE 25-4.2.2(E): PRINCIPAL USE TABLE

Section 25-4.2 Principal Uses Sec. 25-4.2.2 Principal Uses																			
TABLE 25-4.2.2(E): PRINCIPAL USE TABLE																			
P = Permitted by right, or, in R-PD, MEC-PD, or TN-PD district, permitted if specified in PD Plan S = Special Exception Use blank cell = Prohibited																			
PRINCIPAL USE CATEGORY OR TYPE	Ag	RESIDENTIAL						IN-ST	BUSINESS					INDUS-TRIAL	PLANNED DEVELOP-MENT		USE-SPECIFIC STANDARDS		
	AG	RS-E	RS-10	RS-7	RS-5	RM-AN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	
COMMERCIAL																			
ANIMAL CARE																		Sec. 25-4.2.4(e)(1)(i)	
Kennel	P											P	P	P	P	P		P	P
Pet care service	P										P	P	P	P	P	P		P	P
Veterinary hospital or clinic	P										P	P	P	P	P	P		P	P
BUSINESS SERVICE																		Sec. 25-4.2.4(e)(1)(ii)	
Business service center											S	P	P	P	P	P	P	P	P
Catering service											S	P	P	P	P	P	P	P	P
Conference, training, or events center	S										P	P	P	P	P	P	S	P	P
EATING OR DRINKING ESTABLISHMENTS																		Sec. 25-4.2.4(e)(2)(i)	
Bar												P	P	S	P			S	P
Brewpub											S	P	P	P	P	P		P	P
Nightclub													S		S				
Restaurant											S	P	P	P	P	P		P	P
OFFICE																		Sec. 25-4.2.4(e)(3)(i)	
Office, Contractor												P	P			P	P		
Office, General business and professional										S	S	P	P	P	P	P		P	P
PERSONAL SERVICES																		Sec. 25-4.2.4(e)(3)(ii)	
Dry-cleaning service									P		P	P	P	P	P	P	P	P	P
Laundry, Self-service					P		P	P	P	P	P	P	P	P	P	P		P	P
Personal grooming or well-being service					S		S		S		P	P	P	P	P	P		P	P
Personal or household goods repair					S		S		S		P	P	P	P	P	P		P	P
Studio					S		S		P		P	P	P	P	P	P		P	P
Tattoo and/or Body Piercing Parlors												P	P	S	P	P			
RECREATION/ENTERTAINMENT																		Sec. 25-4.2.4(e)(3)(iii)	
Art gallery					S			S	P	P	P	P	P	P	P	P		P	P
Country club	S	S																P	P
Golf course	S	S	S	S	S						S	S			S	S	S	P	
Performing arts center								P	P	P	P	P	P	P	P	P		P	P
Recreation facility, Indoor								S	P	P	P	P	P	P	P	P		P	P
Recreation facility, Outdoor	S							P	P	S	P	P	P	P	P			P	P
Decatur, Alabama Zoning Ordinance																			
																		4-5	

ANALYSIS:

The applicant is requesting approval of a use variance to allow the construction of a professional office on a vacant parcel located within a historic residential district. The proposed use is not permitted by right within the underlying zoning district; therefore, approval of the requested variance is necessary before the project may proceed. If the use variance is approved by the BZA board, the applicant will also be required to obtain a Certificate of Appropriateness from the Architectural Review Board before the issuance of any permits or commencement of construction. The Historic Preservation Board will review the proposed building design, site layout, and other exterior improvements to ensure compatibility with the character and architectural integrity of the surrounding historic district.

RECOMMENDATION

Based on the information submitted and the analysis above, staff recommends approval of the requested use variance, subject to the condition that the applicant obtain all required approvals from the Historic Preservation Board, including a Certificate of Appropriateness, prior to the issuance of any building permits or commencement of construction. Approval of this request does not exempt the applicant from complying with all applicable zoning, building, and historic preservation requirements.

WEST OF 405 JACKSON STREET SE



AERIAL MAP-

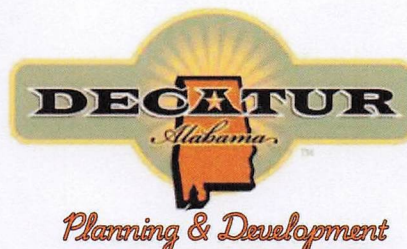


ZONING MAP-



use - 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: West of 405 Jackson St (corner of 4th and Jackson)
Name of Applicant(s): Peyton Morris Phone: 256-227-7489
Address: 4401 Kiowa Trail SE, Decatur, AL 35603 Email: Peyton@Morrisdevelopment.com
Name of Owner(s): Keith Carner Phone: 256-351-7007
Address: _____ Email: _____

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

Current Zoning: RST-1 Total Acreage: .17 Current Use of Property: Vacant Land

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 | *The deadline to apply for the next meeting is: _____ / _____ / _____ |
| ☒ | Designation of Agent Form (mark N/A if not applicable) | *The date of the next available meeting is: _____ / _____ / _____ |
| ☒ | 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: _____ Date: 07/14/2026

STATE OF ALABAMA

COUNTY OF Morgan

I, Summer Stidham, a Notary Public in and for said State at Large, hereby certify that
Peyton Morris, whose name is signed to the foregoing document, and

Who is known to me, or

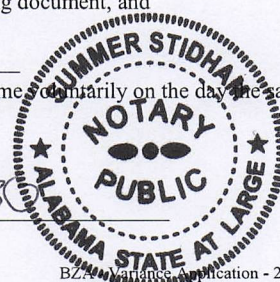
☒ Whose identity I proved on the basis of drivers license

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 14th day of July, 2026.

Summer Stidham, Notary Public

My Commission Expires: 3-10-30



DESIGNATION OF AGENT
CITY OF DECATUR



I, Keith Carney, being owner of the property which is the subject of this application (2 Variances at West of 405 Jackson St.), hereby authorize Peyton Morris to act as my representative with the City of Decatur's staff, and/or Planning Commission, and/or Board of Zoning Adjustment, and/or Historic Preservation Commission, and/or City Council, as required by the type of request listed hereon.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

Property owner's or owners' signature(s): *Keith Carney* Date: 7/14/26

Date: _____

STATE OF ALABAMA

COUNTY OF Morgan

I, Emily Hill, a Notary Public in and for said State at Large, hereby certify that Keith Carney, whose name is signed to the foregoing document, and

☒ Who is known to me, or

____ Whose identity I proved on the basis of _____

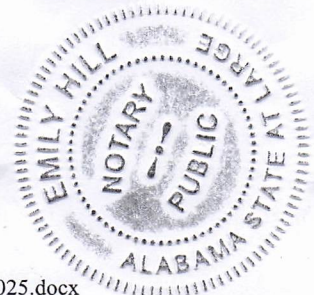
and that being informed of the contents of the document, he/she, as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 14th day of July, 2026.

Emily Hill
Notary Public

My Commission Expires 5/16/2029

My Commission Expires: _____





Property Record Card - 2025

Owner Name and Mailing Address
CARNEY KEITH D
PO BOX 19
DECATUR, AL35602

Parcel Number: 03 04 19 1 021 006.000
PIN: 9241

Property Address:
JACKSON ST SE S

Tax District: 06

Tax Due: \$256.41

Tax Amount Paid: N/A

Date Paid: N/A

Land Value: \$28,300

Improvement Value: \$0

Misc. Improvement Value: \$0

Total Value: \$28,300

Total Acres: 0.0

Square Feet: 0.00

Brief Legal Description

SUB DLI&F ADD 3 LOT 1 3 BLK 22 PLAT BK 1 P 17

Lot:

Block:

Subdivision/Plat Name:

Plat Book:

Plat Page:

Lot:

Block:

Subdivision/Plat Name:

Plat Book:

Plat Page:

Deed Summary

Instrument Number

Instrument Date

2020-4584-1

6/4/2020

2020-4507-5

6/4/2020

2020/4584

6/4/2020

1602-0000866

10/25/1995

Improvement Summary

Building Number

Year Built

Base Area

Total Living Area

Story Height

Final Value

Miscellaneous Improvements

Building Number

Category

Size

Base Rate

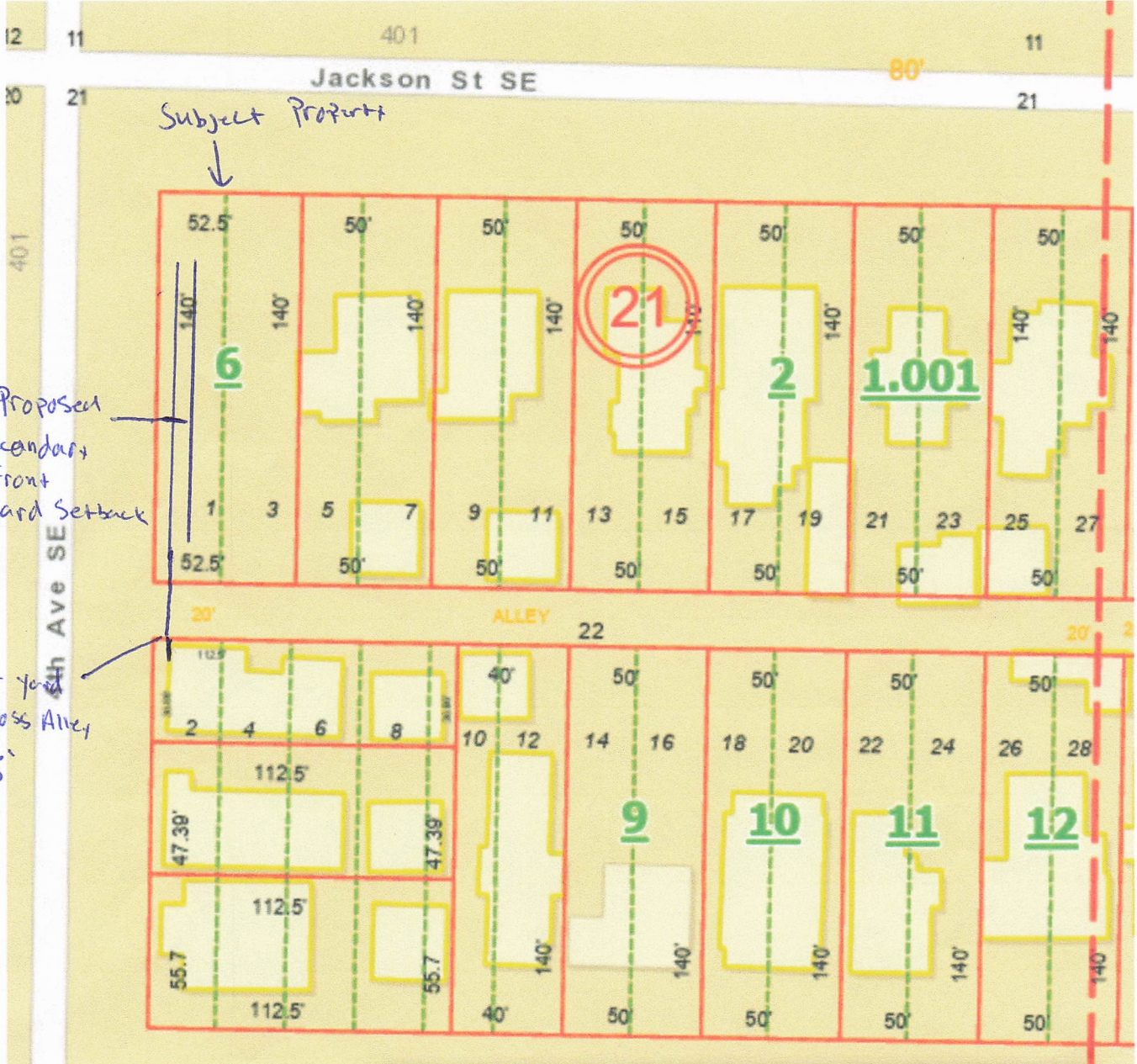
Sub Total

Index

Condition

Replacement Cost

Value



Subject Property

Proposed
Secondary
Front
Yard Setback

Front yard
Across Alley
± 5'