402 Lee Street
Decatur, Alabama 35601
September 29, 2026

402 Lee St NE	**Regular Board of Zoning Adjustment Meeting**	**4:00 PM**

I. Roll Call

II. Approval of Minutes

III. New Business

A. BZA Case 260926-01

B. BZA Case 260926-02

IV. Adjournment

Board of Zoning Adjustment Staff Report

Variance 260926-01

MEETING DATE:	September 29th, 2026
PETITIONER:	Pugh Wright McAnally
PROPERTY OWNER:	Azin, LLC
SUBJECT ADDRESS:	2508 Gordon Terry Parkway
REQUEST:	Variance from frontage and perimeter landscaping
CURRENT ZONING:	CC (Community Commercial)
LOCATION:	2508 Gordon Terry Pkwy
SURROUNDING LAND USES AND ZONING:	North: Unincorporated South: CC/Unincorporated East: Unincorporated West: Unincorporated

DEVELOPMENT STATUS & HISTORY:

Previous Requests: *May not be exhaustive*	N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance from foundation and frontage landscaping. The developer is redistributing the required plantings to other parts of the property to satisfy this requirement in other areas of landscaping.

The specific request is to reduce the frontage landscaping by eliminating 6 trees and 34 shrubs by 100%, and reducing interior landscaping by eliminating 11 trees and 4 shrubs. All of the eliminated trees and shrubs will be credited to the perimeter landscaping, and will include 1 additional tree and 5 additional shrubs.

(APPLICATION):

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

DECATUR Alabama Planning & Development

Location of Subject Property: 2508 Gordon Terry Parkway

Name of Applicant(s): PUGH WRIGHT McANALLY, INC for AZIN LLC Phone: 256-353-3937

Address: PO Box 2419, DECATUR, AL 35802 Email: richardh@pughwrightmcanally.com

Name of Owner(s): AZIN LLC Phone: 205-657-0731

Address: PO BOX 308 HALEYVILL, AL 35565 Email: keith@azizoil.com

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

Current Zoning: CR Total Acreage: 2.4 Current Use of Property: Gas station and convenient store

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: 09 / 10 / 26

*The date of the next available meeting is: 09 / 29 / 26

- [x] Proof of Ownership
- [x] Designation of Agent Form (mark N/A if not applicable)
- [x] 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
- [x] Fee
- [x] I agree to allow the City to place a sign or signs on this property notifying the public of this request
- [x] Applicant must attend meeting
- [x] 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:** 9 / 4 / 26

STATE OF ALABAMA
COUNTY OF Madison

I, Sonya Teague, a Notary Public in and for said State at Large, hereby certify that Mansour Azizkhani, 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 4th day of Sept., 20 26.

Sonya Teague, Notary Public My Commission Expires: _____

My Commission Expires 08/21/2027

(HARDSHIP LETTER):

Board of Zoning Adjustment- Variance Application

AZIN LLC- 2508 Gordon Terry Parkway

The subject property's existing site conditions create a practical hardship in meeting the Zoning Ordinance's frontage and interior landscaping requirement. The existing paving serving the fuel pump area and associated parking extends to within two feet of the right-of-way line, leaving no practical space to install frontage landscaping without eliminating existing drivable area essential to fuel pump access and site function.

Rather than reduce the site's total landscaping, the proposed plan meets the required overall tree and shrub count in full, reallocating the frontage and interior parking lot landscaping that cannot physically be accommodated in those areas to other portions of the site. Existing mature landscaping buffers along the east and west property lines will be retained. The requested variance would allow the site to remain fully functional while preserving the ordinance's overall landscaping intent through this reallocation.

ANALYSIS:

The zoning ordinance allows for landscaping to be reduced in the specific areas as long as the plantings can be accounted for in another area. Although frontage and interior landscaping are being reduced, those trees and shrubs are being supplemented in the perimeter foundation.

Also, it should be noted that perimeter landscaping by definition in the ordinance is explained as follows:

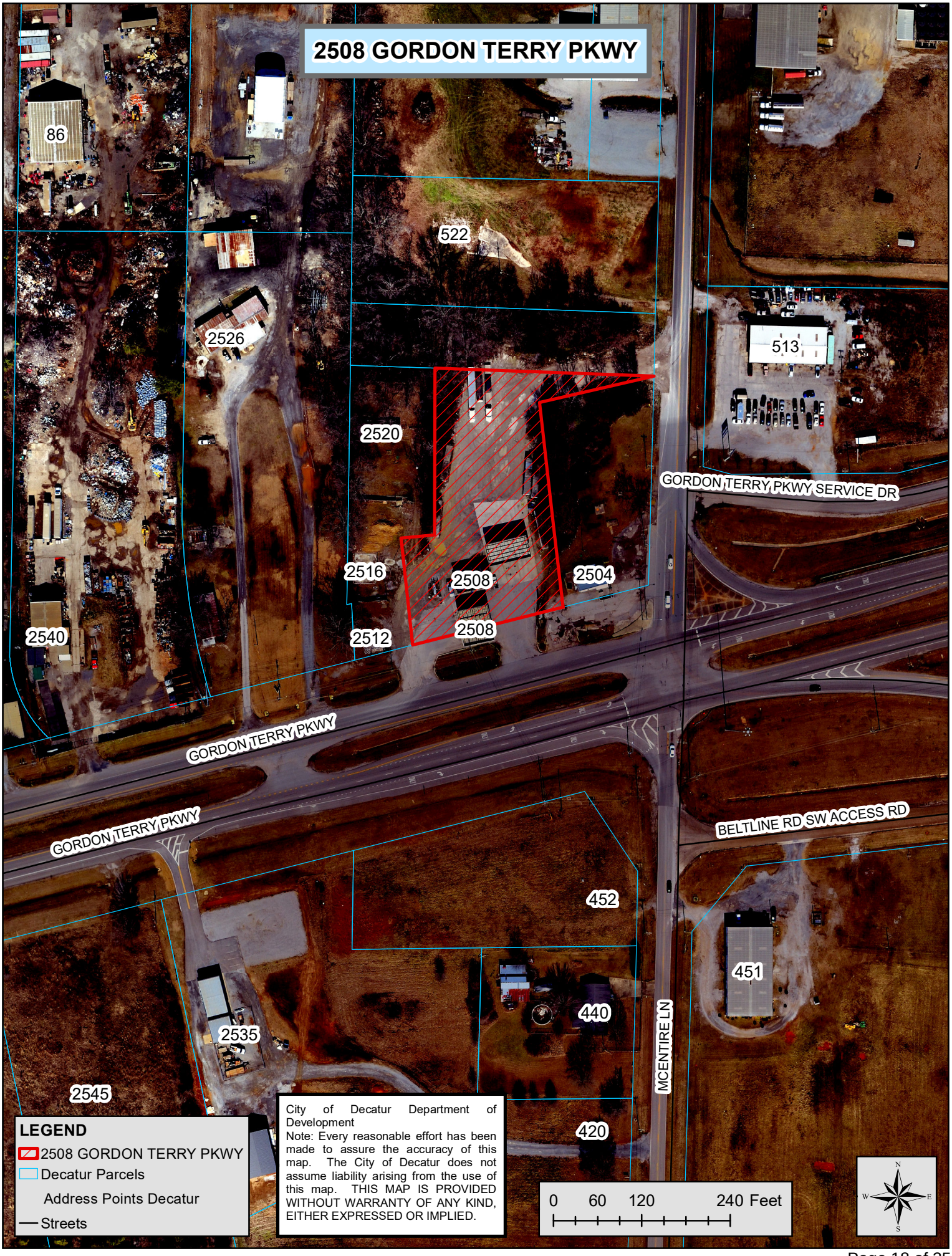
ZONING ORDINANCE REFERENCED-

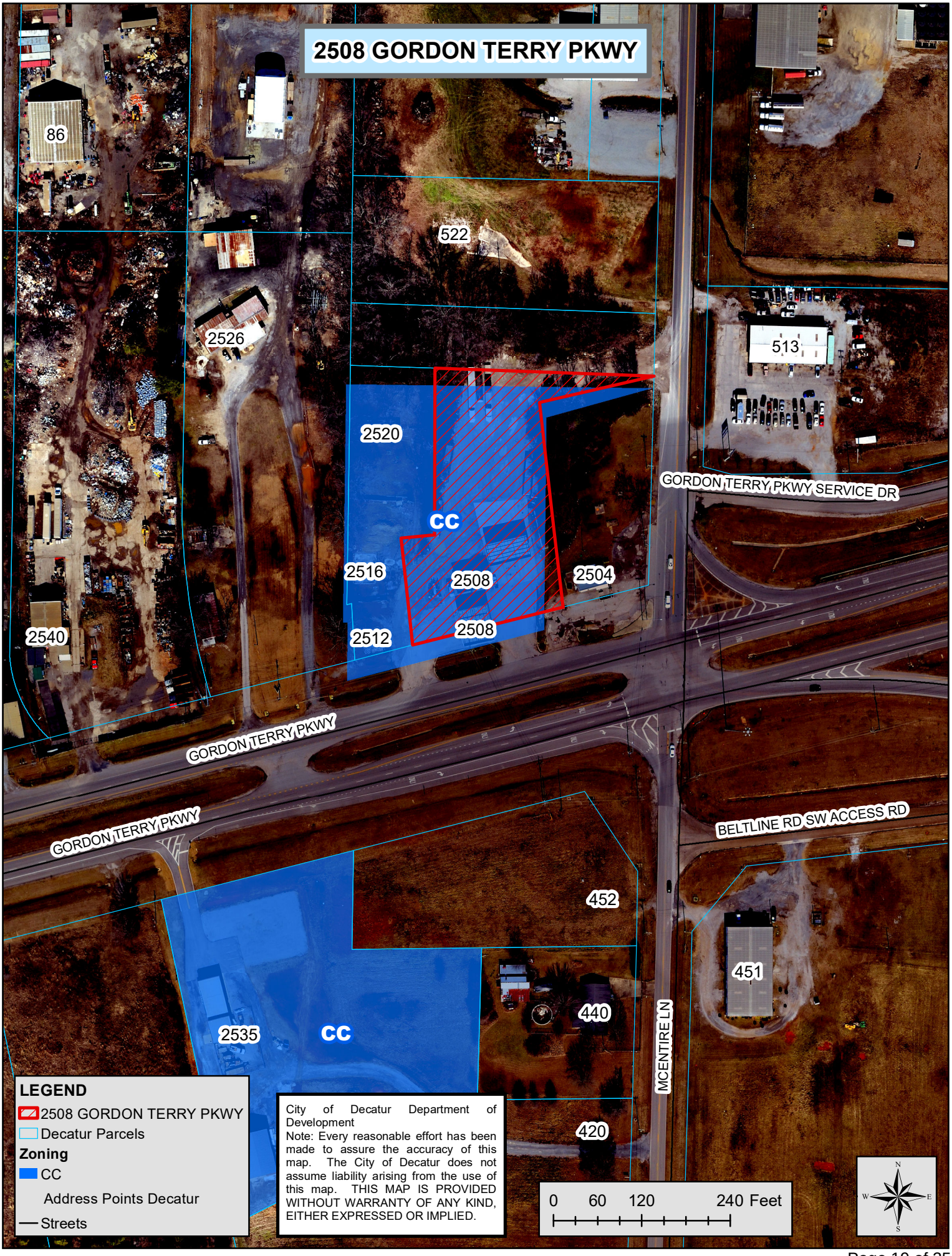
"Perimeter Landscaping
A landscaping strip that complies with the following standards shall be provided along the perimeter of any off-street surface parking area or parking structure between the parking area or structure and adjoining lots, except in areas where buffers are provided in accordance with Sec. 25-5.3.3, Landscaped Buffers, or where there are walkways, bicycle paths, or vehicular connections to abutting lots:"

RECOMMENDATION

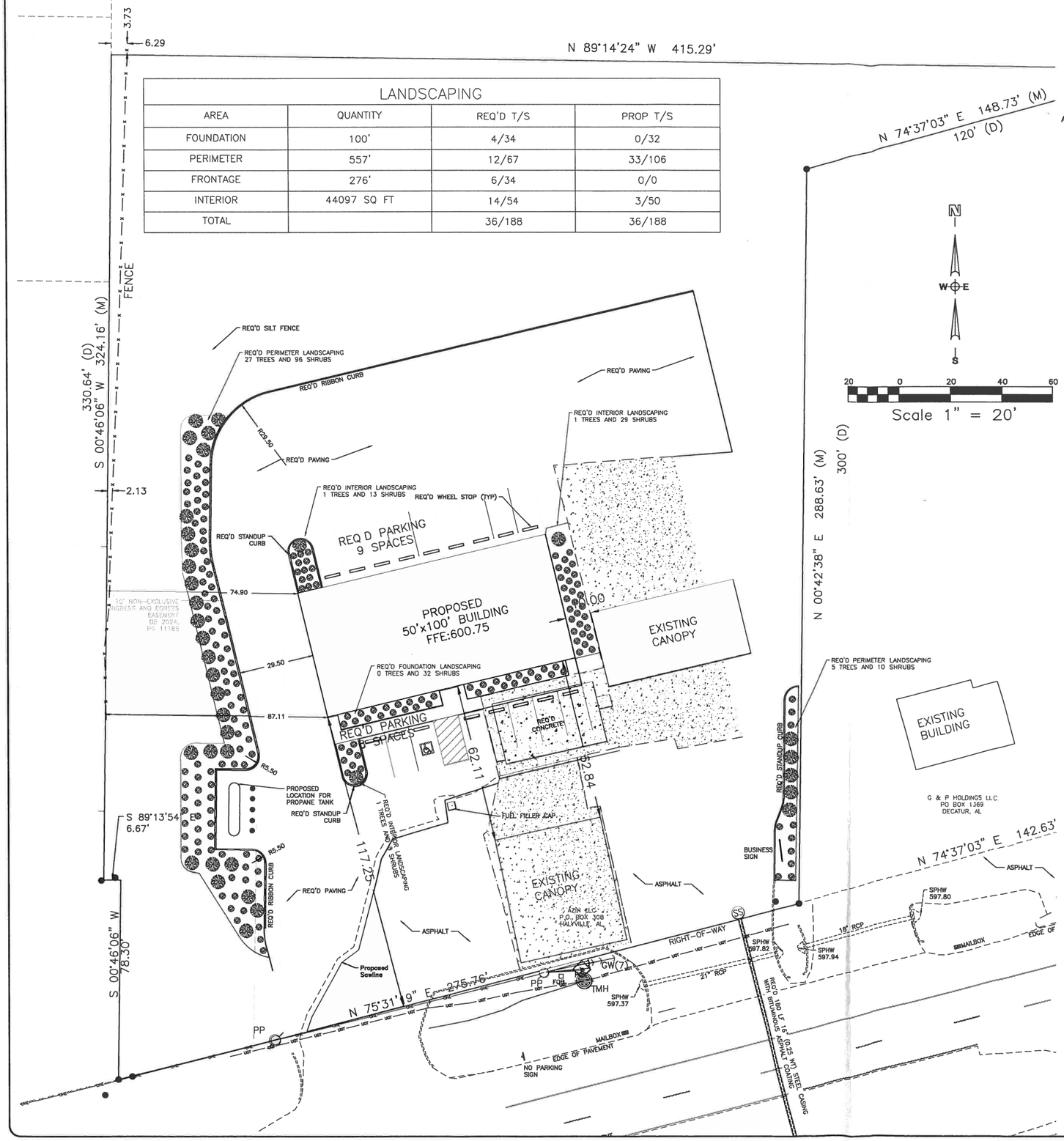
Staff recommends approval of the variance from the frontage and interior landscaping only. Also, staff recommends that the perimeter landscaping should also be reflected properly on the landscape plans depicting the plantings around the entire area of off-street surface parking as shown below. The applicant will also have to reappear before BZA for a foundation landscaping variance.



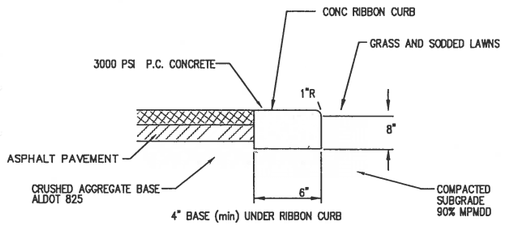

2508 GORDON TERRY PKWY
86
522
2526
513
2520
GORDON TERRY PKWY SERVICE DR
2516
2508
2504
2508
2540
2512
GORDON TERRY PKWY
GORDON TERRY PKWY
BELTLINE RD SW ACCESS RD
452
451
440
2535
MCENTIRE LN
2545
420
LEGEND
2508 GORDON TERRY PKWY
Decatur Parcels
Address Points Decatur
Streets
City of Decatur Department of Development
Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.
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2508 GORDON TERRY PKWY
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LANDSCAPING			
AREA	QUANTITY	REQ'D T/S	PROP T/S
FOUNDATION	100'	4/34	0/32
PERIMETER	557'	12/67	33/106
FRONTAGE	276'	6/34	0/0
INTERIOR	44097 SQ FT	14/54	3/50
TOTAL		36/188	36/188



PARKING REQUIREMENTS
3.3 SPACES PER 1000SF
5000SF = 16.5 SPACES
17 SPACES PROVIDED



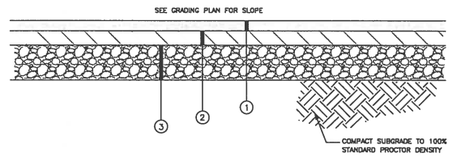
WHERE RIBBON CURB ABUTS CONCRETE SIDEWALK, CONTROL AND EXPANSION JOINTS SHALL BE PROVIDED DIRECTLY OPPOSITE JOINTS IN SIDEWALK. WHERE NOT ABUTTING CONCRETE SIDEWALK, CONTROL JOINTS SHALL BE PROVIDED AT INTERVALS NOT EXCEEDING 20 FEET AND 1/2" THICK EXPANSION JOINTS SHALL BE PROVIDED AT INTERVALS NOT EXCEEDING 40 FEET.

CONCRETE RIBBON CURB

NOT TO SCALE

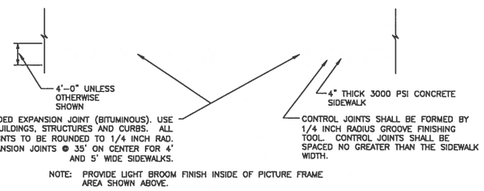
LEGEND:

1. 2" BITUMINOUS CONCRETE WEARING SURFACE (A.L.D.O.T. 424-A) (APPROX. 220 psy) (COMPACTED 95% MARSHALL DENSITY)
2. 2" BITUMINOUS CONCRETE BINDER COURSE (A.L.D.O.T. 424-B) (APPROX. 220 psy) (COMPACTED 95% MARSHALL DENSITY)
3. 8" DENSE GRADED BASE (COMPACTED 100% STANDARD PROCTOR)



8-2-2 STANDARD DUTY ASPHALT SECTION

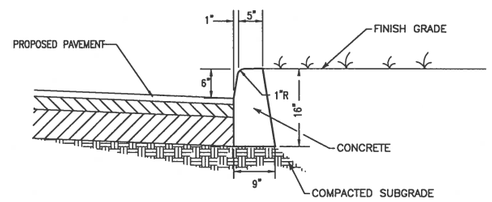
NOT TO SCALE



NOTE: PROVIDE LIGHT BROOM FINISH INSIDE OF PICTURE FRAME AREA SHOWN ABOVE.

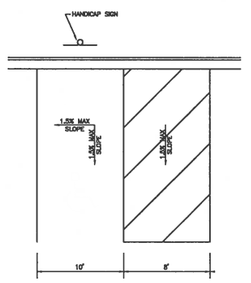
STANDARD CONCRETE SIDEWALK

NOT TO SCALE

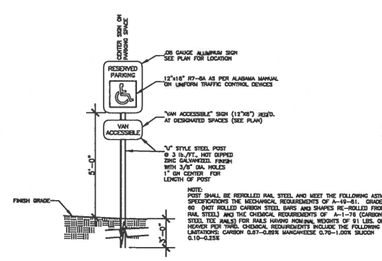


DETAIL FOR STAND UP CURB

NOT TO SCALE



HANDICAP PARKING SPACE DETAIL



HANDICAP PARKING SIGNS

NOT TO SCALE

PUGH WRIGHT MCANALLY
CIVIL ENGINEERS
310 8th AVENUE NE - PO BOX 2419 - DECATUR, AL - (256) 353-3837
Pugh Wright McAnally, Inc. www.pughwrightmcanally.com

REVISIONS

Rev#	Description	Date
1	:	:
2	:	:
3	:	:
4	:	:
5	:	:

AZIZ OIL
AZIZ OIL SITE PLAN
2508 GORDON TERRY PARKWAY
SECTION 22, TOWNSHIP 5 SOUTH, RANGE 5 WEST
DECATUR, MORGAN COUNTY, ALABAMA

PROPOSED LAYOUT AND LANDSCAPING

Date: 07/31/26
Drawn By: LMH
Approved By: RWH
Scale: 1"=20'

Sign/Seal
LABAM
5-11-26
PROFESSIONAL NO. 22738

ISSUED FOR REVIEW ONLY
NOT FOR CONSTRUCTION

Job Number:
648-26

Sheet Number:
C200


MARATHON
MARATHON


P


MARATHON
REGULAR
DIESEL

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: 2508 Gordon Terry Parkway

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- [x] Fee
- [x] I agree to allow the City to place a sign or signs on this property notifying the public of this request
- [x] Applicant must attend meeting
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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:** 9 / 4 / 26

STATE OF ALABAMA
COUNTY OF Madison

I, Sonya Teague, a Notary Public in and for said State at Large, hereby certify that Mansour Azizkhani, whose name is signed to the foregoing document, and

- [x] 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 4th day of Sept., 20 26.

Sonya Teague, Notary Public My Commission Expires: My Commission Expires 08/21/2027

DESIGNATION OF AGENT
CITY OF DECATUR

DECATUR Alabama
Planning & Development

I, Mansour Azizkhani, being owner of the property which is the subject of this application (AZIZ OIL - C - Store), 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: 9/4/26

_____ Date: _____

STATE OF ALABAMA

COUNTY OF Madison

I, Sonya Teague, a Notary Public in and for said State at Large, hereby certify that Mansour Azizkhani, whose name is signed to the foregoing document, and

✓ Who is known to me, or

_____ Whose identity I proved on the basis of _____

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Given under my hand and official seal this the 4th day of Sept., 2026.

Sonya Teague
Notary Public

My Commission Expires: _____

My Commission Expires 08/21/2027

2019 230
Recorded in the Above
DEED Book & Page
01-10-2019 02:31:57 PM
Greg Cain - Probate Judge
State of Alabama, Morgan County

STATE OF ALABAMA

COUNTY OF MORGAN

Warranty Deed

Know all Men by these Presents: That, in consideration of One Hundred Dollars ($100.00) and other good and valuable consideration to them in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, **MICHAEL TODD LOONEY, a married man, LILA JOYCE TUCKER, a single woman, TERESA SHARP BROWN, a married woman, CLARK LENTZ SHARP, a married man AND RICHARD WAYNE SHARP, a single man** (herein referred to as "Grantors") do by these presents grant, bargain, sell and convey unto **AZIN, LLC** (herein referred to as "Grantee") the following described real estate situated in Morgan County, Alabama, to-wit:

A tract or pacel of land lying and being in Section 22, Township 5 South, Range 5 West, Morgan County, Alabama, and being more particularly described as commencing at the SE corner of the NE ¼ of the NE ¼ of said Section 22 and run thence West a distance of 11 feet; thence North a distance of 408 feet; thence West a distance of 416 feet; thence South a distance of 417.9 feet; thence East a distance of 6.67 feet; thence South a distance of 78.31 feet to a point on the North R.O.W. of AL Hwy 24; thence turning an angle of 74°59' measured clockwise from back tangent and running Northeasterly along said R.O.W. a distance of 65.09 feet to the point of beginning; thence continue Northeasterly along said R.O.W. 210 feet, more or less, the SW corner of a parcel currently owned by F.D. Peebles (Book 747, Page 191) thence, run North along the Peebles property line 300 feet, more or less to the NW corner of the Peebles property; thence run Northeasterly 120 feet more or less to the West R.O.W. of McIntire Lane; thence run West 282 feet, more or less, to NE corner of parcel of land owned by Timothy D. Carroll and Melissa Jo Carroll (Book 1174, Page 132); thence run South along Carroll property line 226.25 feet to the SE corner of the Carroll property; thence run West along the South border of the Carroll property; 45 feet more or less, a point on the East boundary of property owned by Elizabeth Sharp and Herbert Sharp (Book 1106, Page 514); thence run South along Sharp property 150 feet more or less to the point of beginning.

Grantors convey any and all rights under the Ground Leases in Deed Book 1065, Page 815, Deed Book 1562, Page 627 and Deed Book 1571, Page 302.

This conveyance is subject to taxes due for the current year, and subsequent years, subdivision restrictions, utility, drainage and sewer easements, minimum setback lines, and zoning laws, if any, applicable to the aforesaid property appearing of record in the Office of the Judge of Probate of said County. This conveyance is also subject to any prior reservation, severance or conveyance of minerals or mineral rights.

Source of Title: Book 2013 Page 1863, Book 2013, Page 1865. Book 2013, Page 1867 and Book 2018, Page 11005.
Tax Parcel # 02-05-22-0-001-030.000 and 02-05-22-0-001-030.001.

The real property is not the homestead of the Grantor nor their spouse if married.

To Have and To Hold the aforegranted premises to the said Grantee, its successors and assigns forever.

And the said Grantors do, for themselves, their heirs and assigns, covenant with said Grantee, its successors and assigns, that they are lawfully seized in fee simple of said premises, that it is free from all encumbrances, except as otherwise noted above, that they have a good right to sell and convey the same as aforesaid, and that they will and their heirs and assigns shall **Warrant and Defend** the premises to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

The undersigned Grantor does hereby attest, to the best of Grantor's knowledge and belief that the information contained in this document, including the purchase price which can be verified by settlement statement, is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in Code of Alabama (1975) 40-22-1 (h).

In Witness Whereof, the said Grantors have set their hands and seals this 7th day of January, 2019.

Michael Todd Looney {L.S.}
Michael Todd Looney

Lila Joyce Tucker {L.S.}
Lila Joyce Tucker

Teresa Sharp Brown by Michael Todd Looney {L.S.}
Teresa Sharp Brown, by Michael Todd Looney as Attorney-in-fact Attorney In Fact

Clark Lentz Sharp by Michael Todd Looney {L.S.}
Clark Lentz Sharp, by Michael Todd Looney as Attorney-in-fact Attorney In Fact

Richard Wayne Sharp by Michael Todd Looney {L.S.}
Richard Wayne Sharp, by Michael Todd Looney as Attorney-in-fact Attorney In Fact

2019 232
DEED Book & Page

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned notary public, in and for said county and state, hereby certify that **Michael Todd Looney, Lila Joyce Tucker, Teresa Sharp Brown, by Michael Todd Looney as Attorney-in-fact, Clark Lentz Sharp, by Michael Todd Looney as Attorney-in-fact and Richard Wayne Sharp, by Michael Todd Looney as Attorney-in-fact,** 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, individually and in such capacity as Attorney-in-fact executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 7th day of January, 2019.

Notary Public
My commission expires

A. MAC MARTINSON NOTARY PUBLIC ALABAMA STATE AT LARGE COMMISSION EXPIRES AUGUST 8, 2020

GRANTEE'S MAILING ADDRESS:
605 Oakwood Ave NW
Huntsville, AL 35811

GRANTORS' ADDRESS:
Michael T. Looney
6658 County Road 222
Trinty, AL 35673

Clark Lentz Sharp
1002 Clarkview St SW
Decatur, AL 35601

Lila Joyce Tucker
4511 Margarette Dr SW
Decatur, AL 35603

Richard Wayne Sharp
6690 County Road 111
Trinity, AL 35673

Teresa Sharp Brown
11363 County Road 87
Decatur, AL 35603

Term/Cashier: PR016-03 / BrandyM
Tran: 18345.416616.555751

AFF Special Fee (Act 95-424)	5.00
DFE Deed Tax	320.00
FIL Filing Fee	1.00
REC Recording Fee	12.00
Total Fees:	$ 338.00

PROPERTY ADDRESS:
2508 Gordon Terry Parkway
Decatur, AL 35601

SALES PRICE: $320,000.00

DATE OF SALE: January 7, 2019

State of Alabama, Morgan County
I certify this instrument was filed on
01-10-2019 02:31:57 PM
and recorded in DEED Book
2019 at pages 230 - 232
Greg Cain - Probate Judge

THIS INSTRUMENT PREPARED BY:
A. Mac Martinson, Esq.
Martinson & Beason P.C.
115 North Side Square
Huntsville, AL 35801-4822
Telephone: 256-533-1667 Fax: 256-533-1696
File # 011494-81

STATE OF ALABAMA, MORGAN COUNTY. I CERTIFY THIS INSTRUMENT ON: 2024-12-26
01:42:02 PM DEED BK 2024 PG 11186 GREG CAIN, JUDGE OF PROBATE (E-FILED)

STATE OF ALABAMA
COUNTY OF MORGAN

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of **ONE HUNDRED DOLLARS ($100.00)**, and other good and valuable consideration in hand paid to by the Grantees herein, the receipt of which is hereby acknowledged, **RICHARD W. SHARP, A SINGLE MAN** (hereinafter referred to as "Grantor"), does by these presents grant, bargain, sell and convey unto **NPN, LLC, AN ALABAMA LIMITED LIABILITY COMPANY** (hereinafter referred to as "Grantee"), in fee simple absolute together with every contingent remainder and right of reversion, and subject to all the provisions contained in this warranty deed, the following described real property situated in Morgan County, Alabama, to-wit:

See Attached Exhibit "A"

This conveyance is subject to taxes due for the current year, and subsequent years, subdivision restrictions, utility, drainage and sewer easements, minimum setback lines, and zoning laws, if any, applicable to the aforesaid property appearing of record in the Office of the Judge of Probate of said County. This conveyance is also subject to any prior reservation, severance or conveyance of minerals or mineral rights.

SOURCE OF TITLE: Deed Book 2009, Page 5892
TAX PPIN: 1153 & 1152

The real estate is not the homestead of the Grantor, nor the Grantor's spouse if married.

TO HAVE AND TO HOLD the aforegranted premises to the said Grantee, and the Grantee's successors and assigns of such survivor forever, together with every contingent remainder and right of reversion.

And the said Grantor does, for Grantor, Grantor's heirs and assigns, covenant with said Grantee, Grantee's successors and assigns, that it is free from all encumbrances, except as otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns shall **WARRANT AND DEFEND** the premises to the said Grantee, Grantee's successors and assigns forever, against the lawful claims of all persons.

The undersigned Grantor does hereby attest, to the best of Grantor's knowledge and belief that the information contained in this document, including the purchase price which can be verified by settlement statement, is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in Code of Alabama (1975) 40-22-1 (h).

IN WITNESS WHEREOF, the Grantor has set his hand and seal on this, the 26 of December, 2024.

Richard W Sharp

Richard W. Sharp

STATE OF ALABAMA
COUNTY OF MADISON

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

Given under my hand and official seal this 26 day of December, 2024.

Notary Public
My Commission Expires:

ABBOTT McWHORTER MARTINSON NOTARY PUBLIC My Comm. Expires July 29, 2028 ALABAMA STATE AT LARGE

GRANTEE MAILING ADDRESS:
605 Northwest Oakwood Avenue
Huntsville, AL 35811

GRANTOR MAILING ADDRESS:
6690 County Road 222
Trinity, AL 35673

PROPERTY ADDRESS:
2516 Gordon Terry Parkway
Decatur, AL 35601

SALES PRICE: $ 50,000.00

DATE OF SALE: Dec. 26, 2024

THIS INSTRUMENT PREPARED BY:
A. Mac Martinson, Esq.
Martinson & Beason P.C.
115 North Side Square
Huntsville, AL 35801-4822

STATE OF ALABAMA, MORGAN COUNTY DEED BK 2024 PG 11188
Tran: 24778.544044.704934 CLERK: Murphy
REC:$9.00 DFE:$50.00 NTX:$0.00 AFF:$5.00 FIL:$1.00 MISC:$0.00 TOTAL:$65.00

STATE OF ALABAMA)
COUNTY OF MORGAN)

EXHIBIT "A"

A TRACT OR PARCEL OF LAND CONTAINING 0.28 ACRE, MORE OR LESS, LYING AND BEING IN THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 5 WEST, MORGAN COUNTY, STATE OF ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22 (HEREINBEOFRE REFERRED TO) AND RUNNING THENCE WEST A DISTANCE OF 11.0 FEET; THENCE NORTH A DISTANCE OF 408 FEET; THENCE WEST A DISTANCE OF 416 FEET; THENCE SOUTH A DISTANCE OF 318 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUING SOUTH ALONG THE SAME LINE, IF EXTENDED, FOR A DISTANCE OF 99.90 FEET TO A POINT; THENCE EAST A DISTANCE OF 6.67 FEET; THENCE SOUTH A DISTANCE OF 78.31 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF ALABAMA HIGHWAY NO. 24; THENCE TURNING AN ANGLE OF 74 DEGREES 59 MINUTES MEASURED CLOCKWISE FROM BACK TANGENT AND RUNNING NORTHEASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF ALABAMA HIGHWAY NO. 24 FOR A DISTANCE OF 65.09 FEET; THENCE TURNING AN ANGLE OF 105 DEGREES 01 MINUTES MEASURED CLOCKWISE FROM BACK TANGENT AND RUNNING NORTH FOR A DISTANCE OF 180 FEET; THENCE TURNING AN ANGLE OF 74 DEGREES 59 MINUTES MEASURED CLOCKWISE FROM BACK TANGENT AND RUNNING SOUTHWESTERLY FOR A DISTANCE OF 72 FEET TO THE TRUE POINT OF BEGINNING; BEING SUBJECT TO A 10 FOOT WIDE NON-EXCLUSIVE EASEMENT FOR ACCESS (INGRESS AND EGRESS) ALONG THE EAST BOUNDARY, ACCORDING TO THE SURVEY OF DARRELL E. REESER DATED THE 26TH DAT OF SEPTEMBER, 1983.

ALSO

A TRACT OF LAND CONTAINING 0.58 ACRES, MORE OR LESS, SITUATED IN THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 32, TRACT 5 SOUTH, RANGE 5 WEST, MORGAN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 22, TRACT 5 SOUTH, RANGE 5 WEST, THENCE RUN WEST FOR A DISTANCE OF 11.00 FEET TO A POINT; THENCE RUN NORTH FOR A DISTANCE OF 408.00 FEET TO A POINT; THENCE WEST A DISTANCE OF 416.00 FEET TO A POINT; THENCE SOUTH FOR A DISTANCE OF 87.25 FEET TO A POINT AND TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE ALONG SAME SAID LINE FOR A DISTANCE OF 230.74 FEET TO A POINT; THENCE TURN AN ANGLE OF 74 DEGREES 59 MINUTES MEASURED CLOCKWISE FROM BACK TANGENT AND RUN A DISTANCE OF 72.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 74 DEGREES 59 MINUTES MEASURED COUNTER CLOCKWISE FROM BACK TANGENT AND RUN A DISTANCE OF 30.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 74 DEGREES 59 MINUTES MEASURED CLOCKWISE FROM BACK TANGENT AND RUN A DISTANCE OF 45.00 FEET TO A POINT; THENCE TURN AN ANGLE OF 105 DEGREES 01 MINUTES MEASURED CLOCKWISE FROM BACK TANGENT AND RUN A DISTANCE OF 226.25 FEET TO A POINT ON AN OLD FENCE LINE; THENCE TURN AN ANGLE OF 92 DEGREES 07 MINUTES 33 SECONDS MEASURED CLOCKWISE FROM BACK TANGENT AND RUN A DISTANCE OF 113.07 FEET TO A POINT AND BACK TO THE TRUE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO ANY EXISTING ROAD OR UTILITY RIGHT OF WAY.

Board of Zoning Adjustment – Variance Application

AZIN LLC – 2508 Gordon Terry Parkway

The subject property's existing site conditions create a practical hardship in meeting the Zoning Ordinance's frontage and interior landscaping requirement. The existing paving serving the fuel pump area and associated parking extends to within two feet of the right-of-way line, leaving no practical space to install frontage landscaping without eliminating existing drivable area essential to fuel pump access and site function.

Rather than reduce the site's total landscaping, the proposed plan meets the required overall tree and shrub count in full, reallocating the frontage and interior parking lot landscaping that cannot physically be accommodated in those areas to other portions of the site. Existing mature landscaping buffers along the east and west property lines will be retained. The requested variance would allow the site to remain fully functional while preserving the ordinance's overall landscaping intent through this reallocation.

Board of Zoning Adjustment Staff Report

Variance 260926-02

MEETING DATE:	September 29th, 2026
PETITIONER:	Doug & Janice Morgan
PROPERTY OWNER:	Doug & Janice Morgan
SUBJECT ADDRESS:	2526 Modaus Road SW
REQUEST:	Variance request to exceed fence height requirements by 2 ft 10 inches (34 inches)
CURRENT ZONING:	AG (Agriculture)
LOCATION:	2526 Modaus Road SW
SURROUNDING LAND USES AND ZONING:	North: INST (Institutional) South: RS-5 & RS-10 (Residential Single-Family) East: AG (Agriculture) West: AG (Agriculture)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: *May not be exhaustive*	N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to exceed the fence height requirements by 34 inches

APPLICANT'S HARDSHIP (FROM APPLICATION):

CITY OF DECATUR Alabama — A Grand City on a Charming Scale

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: DOUG & JANICE MORGAN

MAILING ADDR: 2526 MODAUS RD SW

CITY, STATE, ZIP: DECATUR, AL 35603

PHONE: 256-566-0833

PROPERTY OWNER: DOUG & JANICE MORGAN

OWNER ADDR: 2526 MODAUS RD SW

CITY, STATE, ZIP: DECATUR, AL 35603 PHONE: 256-566-0833

ADDRESS FOR APPEAL: 256-566-0833

NATURE OF APPEAL:

- ◯ HOME OCCUPATION
- ◯ SETBACK VARIANCE
- ◯ SIGN VARIANCE
- ◯ USE PERMITTED ON APPEAL
- ◯ APPEAL OF ADMINISTRATIVE DECISION
- ● OTHER
- ◯ SURVEY FOR VARIANCES ATTACHED
- ◯ DRAWINGS FOR VARIANCS 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)

WE WOULD LIKE REQUEST A VARIANCE FOR GATE & FENCING AT THE ENTRANCE OF OUR DRIVEWAY DUE TO HARDSHIP BECAUSE OF THE DISTANCE OF OUR HOUSE FROM THE ROAD, WHICH IS OVER 1200 FT FROM THE ROAD AND INCREASES IN ELEVATION. A HIGHER HEIGHTED GATE WOULD PROVIDE A BETTER LEVEL OF SECURITY. IT WOULD BE BLACK METAL GATE, 65" AT SIDES & ARCHED WITH 82" AT HIGHEST POINT, THE FENCING IS ABOUT 52" IN HEIGHT.

Applicant Name (print) DOUG & JANICE MORGAN

Signature Douglas & Janice Morgan

Representative Name (print) _____

Signature _____

Date _____

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

Office Use Received By: _____

Zone _____

Hearing Date _____

Approved/Disapproved

_____

ZONING ORDINANCE REFERENCED- Sec. 25-5.5.4 Height

Sec. 25-5.5.4. Height

(a) General

(1) A fence or wall located in a minimum setback shall comply with the height standards in Table 25-5.5.4: Maximum Fence or Wall Height.

TABLE 25-5.5.4: MAXIMUM FENCE OR WALL HEIGHT

YARD WHERE LOCATED	INDUSTRIAL DISTRICTS (FEET)	ALL OTHER DISTRICTS (FEET)
Front Yard	6	4
Side yard adjacent to a street	8	6
Rear or side yard not adjacent to a street	8	6

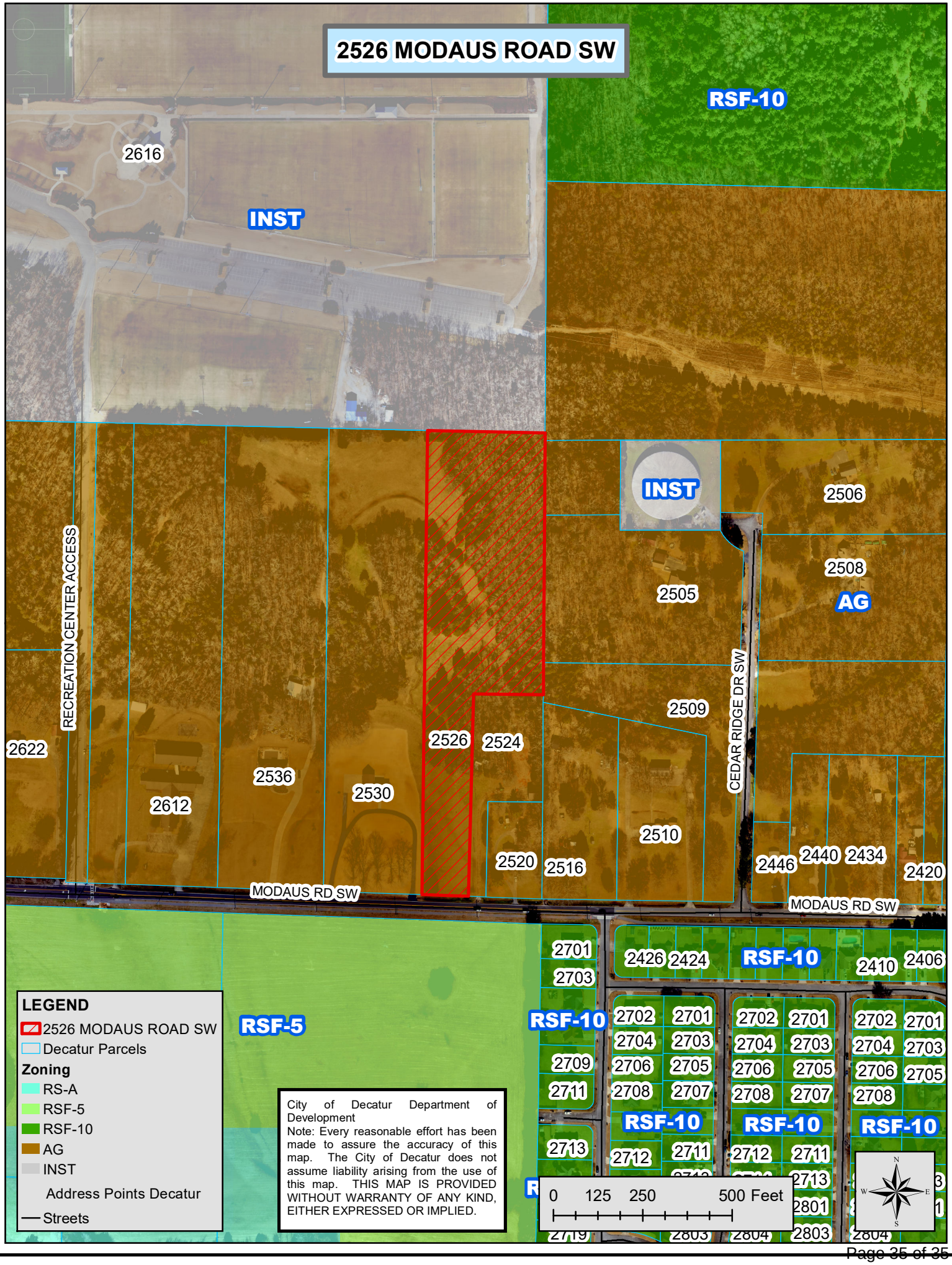
ANALYSIS:

The size of the lot and the substantial setback between the public road and dwelling provide adequate separation for the proposed fencing. The Planning Department finds that a 6-foot gate is appropriate for privacy and security, while a 4-foot fence along the remainder of the property maintains visibility and is consistent with the character of the site.

RECOMMENDATION

Due to the size of the lot and the substantial distance between the public road and dwelling, the Planning Department recommends allowing the gate to be 6 feet in height while keeping the remainder of the fence to 4 feet per our Zoning Ordinance Regulation. This provides additional privacy and security at the access point while maintaining appropriate visibility along the property frontage.


2526 MODAUS ROAD SW
2616
2501
2506
2508
2505
RECREATION CENTER ACCESS
CEDAR RIDGE DR SW
2509
2622
2526
2524
2536
2530
2612
2510
2520
2516
2446
2440
2434
2420
MODAUS RD SW
MODAUS RD SW
2701
2703
2705
2707
2709
2711
2713
2426
2424
2420
2414
2410
2406
2702
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2704
2703
2706
2705
2708
2707
2710
2709
2712
2711
2801
2803
2804
LEGEND
2526 MODAUS ROAD SW
Decatur Parcels
Address Points Decatur
Streets
City of Decatur Department of Development
Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.
0 125 250 500 Feet
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2526 MODAUS ROAD SW
RSF-10
2616
INST
INST
2506
2508
AG
2505
RECREATION CENTER ACCESS
CEDAR RIDGE DR SW
2509
2622
2526
2524
2536
2530
2612
2510
2520
2516
2446
2440
2434
2420
MODAUS RD SW
MODAUS RD SW
2701
2703
2426
2424
RSF-10
2410
2406
RSF-10
2702
2701
2704
2703
2709
2706
2705
2711
2708
2707
RSF-10
RSF-10
RSF-10
2713
2712
2711
2719
2803
2804
2803
2801
RSF-5
LEGEND
2526 MODAUS ROAD SW
Decatur Parcels
Zoning
RS-A
RSF-5
RSF-10
AG
INST
Address Points Decatur
Streets
City of Decatur Department of Development
Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.
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CITY OF DECATUR Alabama — A Grand City on a Charming Scale

402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: DOUG & JANICE MORGAN

MAILING ADDR: 2526 MODAUS RD SW

CITY, STATE, ZIP: DECATUR, AL 35603

PHONE: 256-566-0833

PROPERTY OWNER: DOUG & JANICE MORGAN

OWNER ADDR: 2526 MODAUS RD SW

CITY, STATE, ZIP: DECATUR, AL 35603 PHONE: 256-566-0833

ADDRESS FOR APPEAL: 256-566-0833

NATURE OF APPEAL:

- ◯ HOME OCCUPATION
- ◯ SETBACK VARIANCE
- ◯ SIGN VARIANCE
- ◯ USE PERMITTED ON APPEAL
- ◯ APPEAL OF ADMINISTRATIVE DECISION
- ● OTHER
- ◯ SURVEY FOR VARIANCES ATTACHED
- ◯ DRAWINGS FOR VARIANCS 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)

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Applicant Name (print) DOUG & JANICE MORGAN

Signature Douglas & Janice Morgan

Representative Name (print) _____

Signature _____

Date _____

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

Office Use Received By: _____

Zone _____

Hearing Date _____

Approved/Disapproved

_____

STATE OF ALABAMA, MORGAN COUNTY. I CERTIFY THIS INSTRUMENT ON: 2022-03-17 02:20:54 PM DEED BK 2022 PG 3042 GREG CAIN, JUDGE OF PROBATE (E-FILED)

2526 MODAUS RDSW
DECATUR 35603

This instrument prepared by:

Douglas R. Bachuss, Jr.
Nowlin Bachuss & Gray Law Firm
P.O. Box 1149
Decatur, Alabama 35602

Send Tax Notice to:

Douglas H. Morgan and Janice K. Morgan
2519 Norwood Dr SW
Decatur, AL 35603

WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

STATE OF ALABAMA

MORGAN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That in consideration of **One Hundred Sixty-Six Thousand Two Hundred Seventy-Five and 00/100 ($166,275.00)** and other good and consideration, which can be verified by a closing statement, to the undersigned grantor(s) in hand paid by the grantees herein, the receipt whereof is acknowledged, I/we,

Donald S. Simpson and Melanie M. Simpson, husband and wife

whose address is **913 Fretwell Ave SW, Decatur, AL 35601**, (herein referred to as GRANTOR(S), whether one or more) do grant, bargain, sell and convey unto

Douglas H. Morgan and Janice K. Morgan

whose address is **2519 Norwood Dr SW, Decatur, AL 35603**, (herein referred to as GRANTEES,) as joint tenants with right of survivorship, the following described real estate situated in **MORGAN** County, Alabama, with an address of **(No 911 ADDRESS) Modaus Road, SW, Decatur, AL 35603**, to wit:

SEE ATTACHED EXHIBIT "A"

There are excepted from the warranties of this deed all easements, plat notes, restrictions of record and current ad valorem taxes.

TO HAVE AND TO HOLD unto the said GRANTEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all

encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR(S) has/have hereto set his/her/their signature and seal, this the **16th** day of **March, 2022.** I/We attest, to the best of my/our knowledge and belief, that the information contained in this document is true and accurate. I/We further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in §40-22-1 (h), Code of Alabama, 1975, as amended.

Donald S. Simpson (Seal)
Donald S. Simpson

Melanie M. Simpson (Seal)
Melanie M. Simpson

STATE OF ALABAMA, COUNTY OF MORGAN

I, the undersigned authority, Notary Public in and for said County, in said State, hereby certify that **Donald S. Simpson and Melanie M. Simpson, husband and wife**, whose name(s) is/are signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, said grantor(s) executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this **16th** day of **March, 2022.**

Notary Public

My Commission Expires: 9/14/2024

DOUGLAS R. BACHUSS, JR. NOTARY PUBLIC ALABAMA STATE AT LARGE

21-1847/kb

STATE OF ALABAMA, MORGAN COUNTY DEED BK 2022 PG 3044
Tran: 22188.489801.641474 CLERK: McGuire
REC:$9.00 DFE:$166.50 NTX:$0.00 AFF:$5.00 FIL:$1.00 MISC:$0.00 TOTAL:$181.50

Exhibit "A"

Beginning at a railroad spike at the SE corner of Section 34, Township 5 South, Range 5 West, Decatur, Morgan County, Alabama, and thence N 88°31'32" W along the south line of said Section 34 a distance of 195.60 feet to a point, thence running N 00°44'41" E for a distance of 38.86 feet to a point on the northerly right of way margin of Modaus Road to the true point of beginning, thence continuing N 00°44'41" E for a distance of 563.00 feet to a point; thence S 87°34'02" E for a distance of 195.20 feet to a point, thence N 00°34'20" E for a distance of 748.90 feet to a point, thence N 88°45'59" W for a distance of 329.33 feet to a point, thence running S 00°40'44" W for a distance of 1305.58 feet to a point on the northerly margin of Modaus Road, thence running S 87°49'23" E along the northerly margin of Modaus Road for a distance of 135 feet to the true point of beginning.

X DLL

X MMS

This instrument prepared by:

Douglas R. Bachuss, Jr.
Nowlin Bachuss & Gray Law Firm
P.O. Box 1149
Decatur, Alabama 35602

Send Tax Notice to:

Douglas H. Morgan and Janice K. Morgan
2519 Norwood Dr SW
Decatur, AL 35603

WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

STATE OF ALABAMA

MORGAN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That in consideration of **One Hundred Sixty-Six Thousand Two Hundred Seventy-Five and 00/100 ($166,275.00**) and other good and consideration, which can be verified by a closing statement, to the undersigned grantor(s) in hand paid by the grantees herein, the receipt whereof is acknowledged, I/we,

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whose address is **913 Fretwell Ave SW, Decatur, AL 35601**, (herein referred to as GRANTOR(S), whether one or more) do grant, bargain, sell and convey unto

Douglas H. Morgan and Janice K. Morgan

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And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all

encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR(S) has/have hereto set his/her/their signature and seal, this the **16th** day of **March, 2022.** I/We attest, to the best of my/our knowledge and belief, that the information contained in this document is true and accurate. I/We further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in §40-22-1 (h), Code of Alabama, 1975, as amended.

_____(Seal)
Donald S. Simpson

_____(Seal)
Melanie M. Simpson

STATE OF ALABAMA, COUNTY OF MORGAN

I, the undersigned authority, Notary Public in and for said County, in said State, hereby certify that **Donald S. Simpson and Melanie M. Simpson, husband and wife**, whose name(s) is/are signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, said grantor(s) executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this **16th** day of **March, 2022.**

_____
Notary Public

My Commission Expires: 9/14/2024

DOUGLAS R. BACHUSS, JR. NOTARY PUBLIC ALABAMA STATE AT LARGE

21-1847/kb

Exhibit "A"

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DLL

MMS