



**AGENDA
CITY OF DECATUR
BOARD OF ZONING ADJUSTMENT AGENDA
LOCATION: 402 Lee Street (City Hall Council Chambers)
July 2nd, 2026
4:00 PM**

1. 260526-01 **VARIANCE:** **Public Hearing**
District 3
Variance request from the Community Commercial district requirements, including:

 1. A 46% variance to exceed the maximum built area (from 40% to 86%), and
 2. A 9-foot height variance (from 55 feet to 64 feet).

Pursuant to Sec. 25-3.2.4.
Zone: CC (Community Commercial)
431 Holly Street NE
City of Decatur, Petitioner
2. 260526-03 **VARIANCE:** **Public Hearing**
District 2
Variance request to deviate from the District Requirements in a Community Commercial District; to allow a variance increase to the maximum allowable impervious coverage to 65%, which represents an additional 25% beyond what the ordinance permits.

Pursuant to Sec. 25-3.2.4.
Zone: CC (Community Commercial)
3430 Indian Hills Road SE
Nicholas Ostrye, Petitioner
3. 260630-01 **VARIANCE:** **Public Hearing**
District 2
Variance to allow a 31.82 percent reduction in the minimum required off-street parking from 88 to 60 parking spaces

Pursuant to Sec. 25-5.2.5
Zone: LI (Light-Industrial) South of 719 Summit Drive
Pugh Wright McAnally, Petitioner

4. 260630-02 **SPECIAL EXCEPTION:**
Special Exception to establish an ABC store in a CN
(Commercial Neighborhood District)
Table 25-4.2.2(E): Principal Use Table
Zone: CN (Commercial Neighborhood)
127 Austinville Road SW
Manpreet Kaur Tucker, Petitioner

Public Hearing
District 4
5. 260630-03 **USE-VARIANCE:**
Use-variance to allow an Indoor Recreational Facility in
a LI (Light-Industrial) zoning.
Table 25-4.2.2(E): Principal Use Table
Zone: LI (Light-Industry)
South of 719 Summit Drive
Pugh Wright McAnally, Petitioner

Public Hearing
District 2
6. 260630-05 **VARIANCE:**
Variance request to deviate from the side setbacks of 20
feet to 15.5 feet on the west side of the subject property.
Section 25-3.2 (a): Agriculture District
Zone: AG (Agriculture)
1804 Vestavia Drive SW
David and Elizabeth Lupton, Petitioner

Public Hearing
District 5

Board of Zoning
Adjustment Staff
Report



Variance 260526-01

MEETING DATE: July 2nd, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: City of Decatur

SUBJECT ADDRESS: West of 431 Holly Street NE

REQUEST:

1. A 46% variance to exceed the maximum built area from 40% to 86%, and
2. A 9-foot height variance from 55 feet to 64 feet. (4-stories to 6-stories)

CURRENT ZONING: CC (Community Commercial)

LOCATION: 431 Holly Street NE

SURROUNDING LAND

North: Community Commercial (CC)

USES AND ZONING:

South: Community Commercial (CC)

East: Community Commercial (CC)

West: Central Business (CB)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: Variance to omit frontage, foundation, and perimeter landscaping to construct a parking deck

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a Variance from the Community Commercial district requirements to allow construction of a six-level parking deck at the corner of 4th Avenue NE and Holly Street NE. The request includes a 46% variance to increase the maximum built area from 40% to 86%, along with a 9-foot height variance to increase the maximum permitted height from 55 feet (4 stories) to 64 feet (6 stories).

APPLICANT'S HARDSHIP (FROM APPLICATION):

October 10th, 2025

To Whom It May Concern
City of Decatur
Planning Department
402 Lee Street NE
Decatur, Alabama 35601

Re: Hardship Letter, Setback Variance Request
Parcel: 03-04-18-4-033-01-0000
Project: Proposed Parking Deck (City of Decatur)
Location: Corner of 4th Avenue NE and Holly St NE

Dear Members of the Board of Zoning Adjustment,

On behalf of the City of Decatur, the developer of the above-referenced property, we respectfully request consideration for a variance to the front setback requirement along 4th Avenue NE. The current front and rear setback requirements are 20 feet, and we are requesting a reduction of 20 feet, resulting in a 0-foot setback to allow for the construction of the parking deck.

The proposed development is a 6 level parking deck located at the corner of 4th Avenue NE and Holly Street NE, an area that has been selected for major developments to the City. The project is a part of several other large developments and will provide the infrastructure to support the additional demands for parking these developments will bring. The parking deck will provide employee parking to existing and future businesses as well as a centralized location for visitors and customers of these businesses to use.

The requested variance is needed to facilitate the required size of the structure to provide the adequate room for parking and traffic circulation in the facility and to permit the structure to remain within the required distance for fire aerial apparatus access. Additionally, an exemption or variance from the max buildable area, max building height requirements, and landscaping requirements are also required.

We believe this request constitutes a valid hardship. The City's desire to establish a parking deck in an area with setbacks significantly reduces to efficiency of building such a structure on the selected lot. The design of the structure also restricts the placement options of the structure for the purpose of accessibility and it's intent to coordinate and service the additional developments in the area. A 20' setback from the property line would also locate the parking deck outside of the required distance from the road for a fire aerial apparatus at ~35' from 4th Avenue. Furthermore, the additional setback requirements and buildable area requirements would hinder the future development of properties in the area of the proposed parking deck by requiring an absurd amount of property to be required to meet the requirements of the current zoning ordinance.

ZONING ORDINANCE REFERENCED- Sec. 25-3.2 Base Districts (Community Commercial)

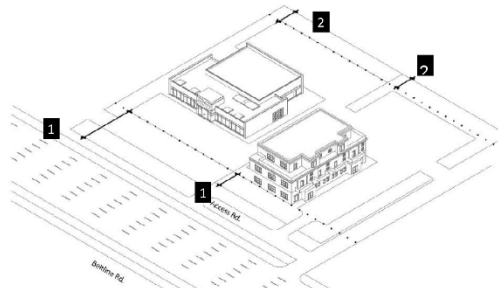
Section 25-3.2 Base Districts
Sec. 25-3.2.4 BUSINESS DISTRICTS

(d) COMMUNITY COMMERCIAL (CC) DISTRICT

(1) Purpose

The purpose of the Community Commercial (CC) District is to provide lands to accommodate a range of community-serving nonresidential uses, as well as residential uses if they are designed in ways that are integrated with the nonresidential development. The district supports stand-alone general commercial, office, recreation/entertainment, and restaurant development at a moderate scale, as well as mixed-use development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	60 25 [2]
Side setback, min. (ft.)	None 25 [3]
2 Rear setback, min. (ft.)	20
Built area, max. (percent of lot area)	40
Building height, max.	Lesser of 55 ft. or 4 stories

NOTES:

- [1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.
- [2] The minimum front setback is 60 feet for property adjacent to Beltline Road and 25 feet otherwise.
- [3] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

(3) Reference to Other Standards

Development in the CC District shall 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:

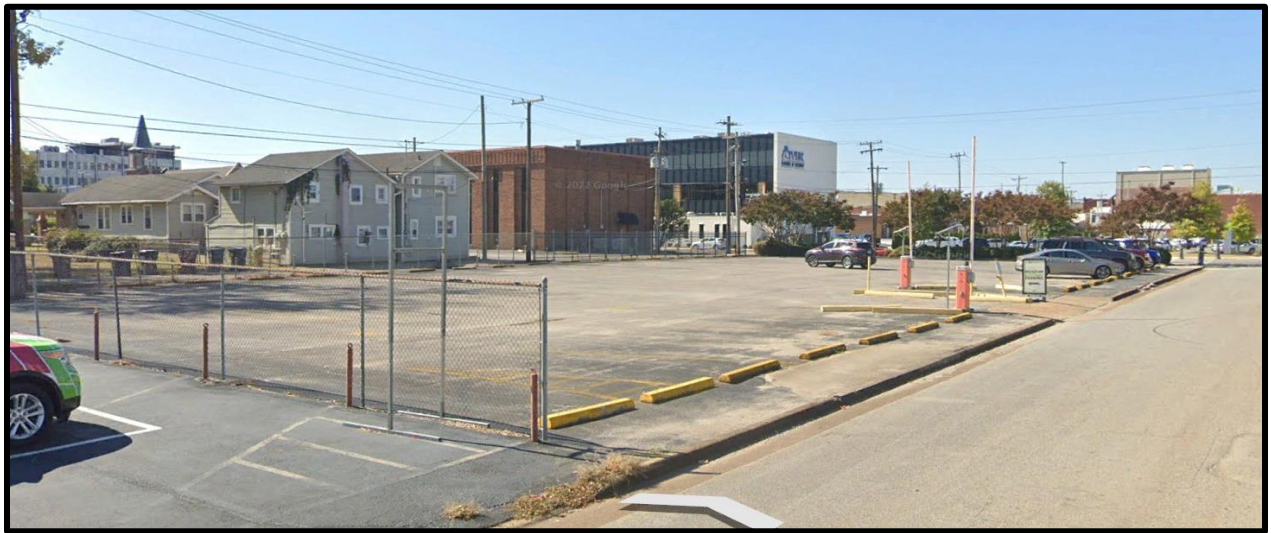
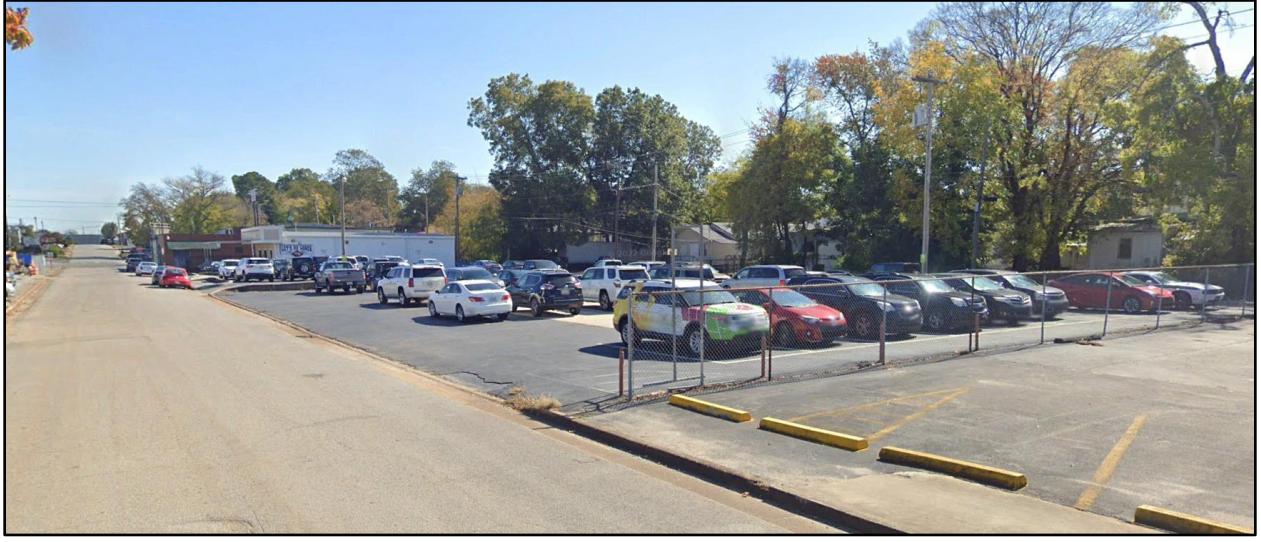
The applicant is requesting multiple variances from the development standards of the Community Commercial (CC) zoning district to allow construction of a proposed six-level parking deck. Specifically, the request includes relief from the district's maximum building coverage limit of 40%, seeking approval for 86% built area (a 46% variance), as well as relief from the maximum building height of four stories or 55 feet, requesting approval for a 64-foot, six-story structure.

RECOMMENDATION

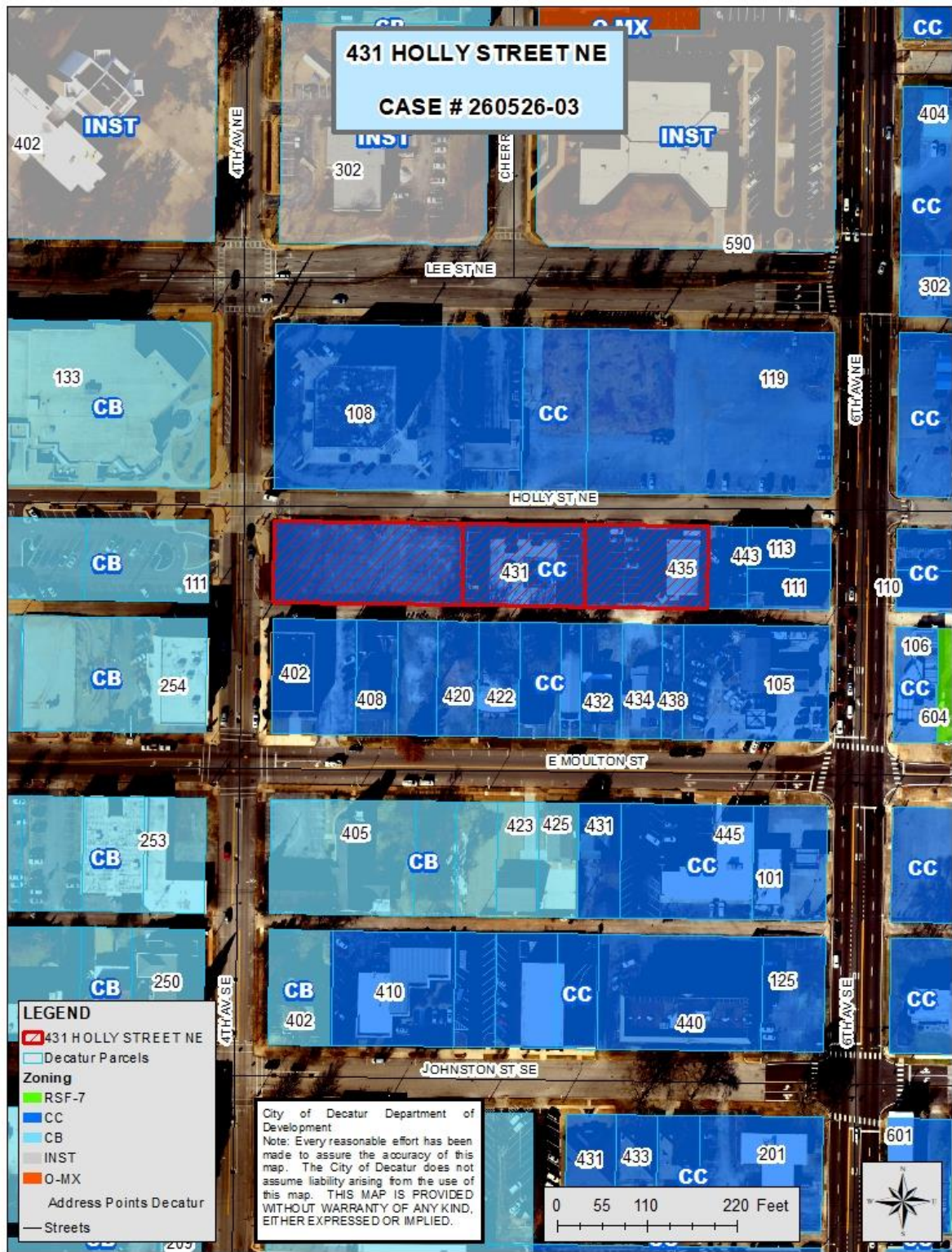
At this time, staff recommends Approval, as the applicant has now provided the necessary details regarding the extent of the requested variances. The application clearly identifies a request for a 46% variance to exceed the maximum allowable building coverage from 40% to 86%, as well as a 9-foot height variance to increase the maximum permitted building height from 55 feet (4 stories) to 64 feet (6 stories) for the proposed parking deck.

With these dimensions now defined, staff and the BZA board are able to fully evaluate the scale, intensity, and potential impacts of the development, including compatibility with surrounding properties, site functionality, and consistency with the intent of the Community Commercial (CC) district. Based on the clarified information, staff finds the request sufficiently detailed for consideration and recommends approval of the variances as submitted.

431 HOLLY STREET







REQ'D LAYOUT PLAN LEGEND

- 1 MEET AND MATCH EXISTING PAVEMENT
- 2 CONCRETE CURB TAPER
- 3 HEAVY DUTY ASPHALT PAVEMENT (COD STREET BUILDUP)
- 4 STANDARD DUTY ASPHALT PAVEMENT
- 5 HEAVY DUTY CONCRETE PAVEMENT
- 6 4:4 CONCRETE PAVING - SIDEWALK
- 7 24" CONCRETE CURB & GUTTER "CATCH CURB"
- 8 24" CONCRETE CURB & GUTTER "SPILL CURB"
- 9 30" CONCRETE CURB & GUTTER "CATCH CURB"
- 10 6" STAND UP CURB
- 11 4' CONCRETE VALLEY GUTTER
- 12 6' CONCRETE VALLEY GUTTER
- 13 CONCRETE ISLAND WITH BARRIER GATES (REFER TO ARCH.)
- 14 CONCRETE SIDEWALK RAMP
- 15 BOLLARDS
- 16 OIL WATER SEPARATOR (REFER TO UTILITIES PLAN)
- 17 DRAINAGE STRUCTURES (REFER TO DRAINAGE PLAN)
- 18 TRENCH DRAIN (REFER TO PLUMBING PLAN)

- 19 4" SOLID BLUE TRAFFIC STRIPE
- 20 4" SOLID WHITE TRAFFIC STRIPE
- 21 SOLID BLUE ADA PARKING SYMBOL
- 22 SOLID WHITE TRAFFIC DIRECTION ARROWS
- 23 ADA DETECTION MATS
- 24 ADA PARKING SIGN (VAN SIGNS AS REQ.)
- 25 STOP SIGN (R1-1)
- 26 WATER METER VAULT (BY DU) (REFER TO UTILITIES PLAN)
- 27 FIRE PROTECTION VAULT WITH DOUBLE BACKFLOW PREVENTER (BY DU) (REFER TO UTILITIES PLAN)
- 28 FIRE HYDRANT (BY DU) (REFER TO UTILITIES PLAN)
- 29 CONCRETE DRIVE APRON & 4' VALLEY GUTTER
- 30 CONCRETE WHEEL STOPS
- 31 5" SOLID RED FIRE LANE STRIPE
- 32 SOLID WHITE "FIRE LANE NO PARKING" MARKING

BUILDING USES:

PARKING DECK

PROPERTY ZONING:

COMMUNITY COMMERCIAL DISTRICT (CC)

SETBACK REQUIREMENTS:

FRONT = 25' (5' PROVIDED, VARIANCE REQUIRED)

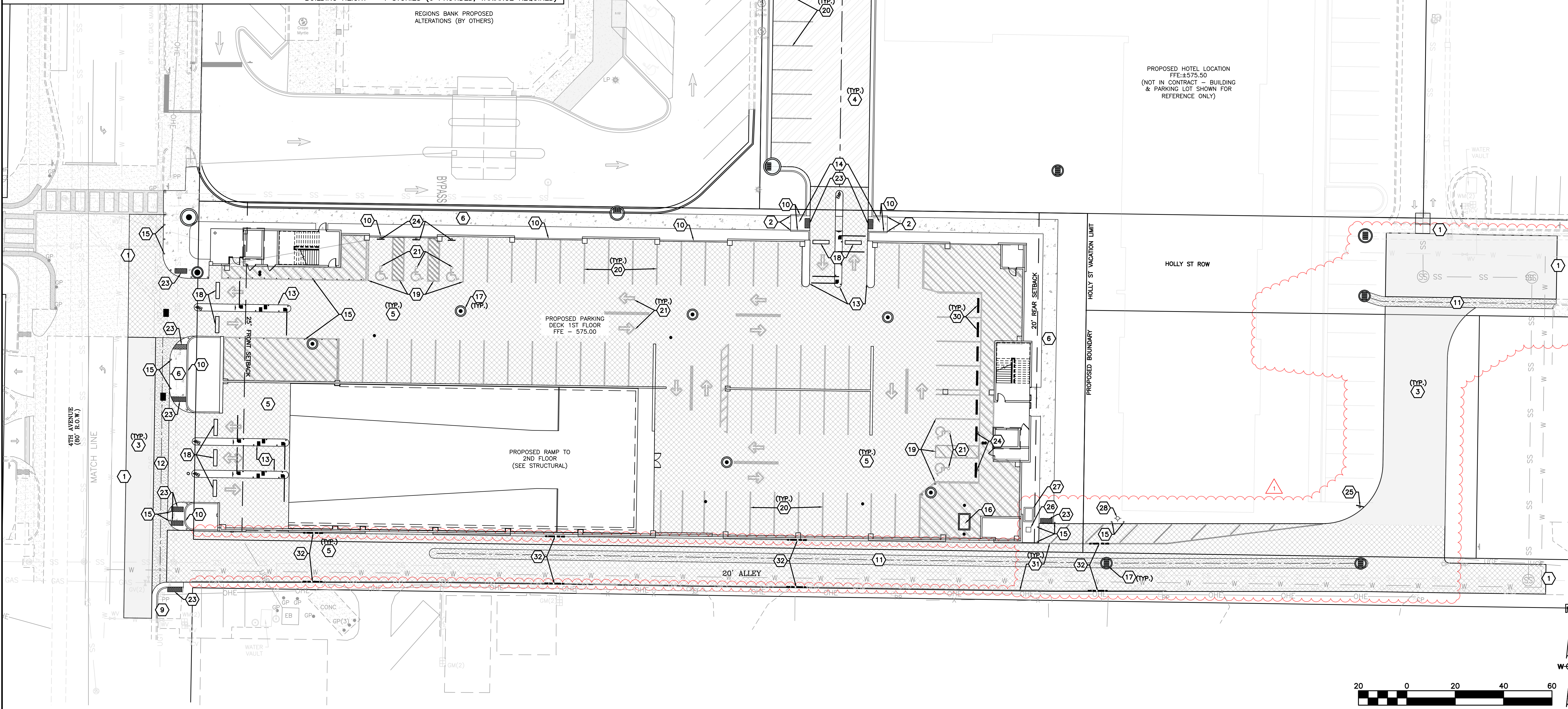
SIDE = 0'

REAR = 20'

BUILDING REQUIREMENTS:

BUILT AREA = 40% (84% PROVIDED, VARIANCE REQUIRED)

BUILDING HEIGHT = 4 STORIES (6 PROVIDED, VARIANCE REQUIRED)



PUGH WRIGHT
MCANALLY
CIVIL ENGINEERS

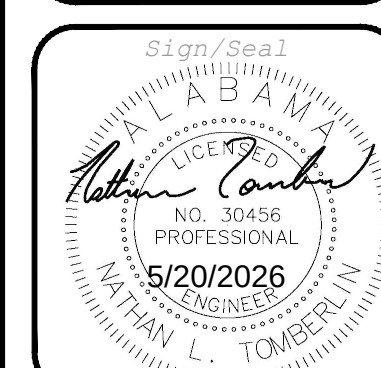
310 8th AVENUE NE - PO BOX 2419 - DECATUR, AL - (256) 353-3937
www.pughwrightmcanally.com

REVISIONS	
Rev#	Description
5	..
4	..
3	..
2	..
1	ADDENDUM #2
05/20/2026	Date

CITY OF DECATUR
4TH AVE PARKING DECK
HOLLY ST. & 4TH AVE NE
SECTIONS 17 & 18, TOWNSHIP 5 SOUTH, RANGE 4 WEST
DECATUR CITY, MORGAN COUNTY, ALABAMA

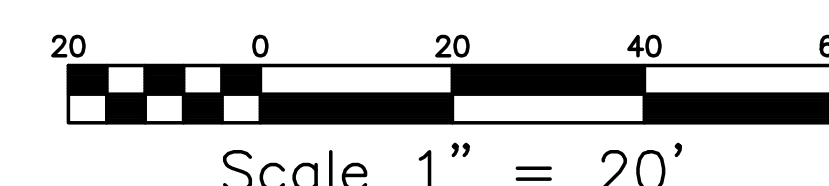
SITE PLAN

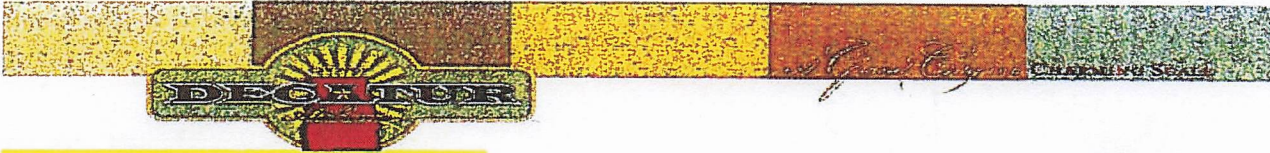
Date: 05/20/2026
Drawn By: CBW/JBM
Approved By: NLT
Scale: 1"=20'



Job Number:
506-26

Sheet Number:
C2.00





402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: City of Decatur
MAILING ADDR: 402 Lee St NE
CITY, STATE, ZIP: Decatur, AL 35601
PHONE: (256) 341-4600

PROPERTY OWNER: City of Decatur
OWNER ADDR: 402 Lee St NE
CITY, STATE, ZIP: Decatur, AL 35601 PHONE: (256) 341-4600

ADDRESS FOR APPEAL: 431 Holly St NE

NATURE OF APPEAL:

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

*****Applicants or Duly Appointed Representative MUST be present in order

For the case to be heard*****

DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)

It is requested that a variance for the maximum built area and the maximum building height be granted for the planned parking deck the City of Decatur intends to build at this property. The lot is currently zoned CC and is planned on being 51,420 sq ft in size. The CC zoning restricts maximum built area to 40% of the lot size (20496 sq ft) and maximum height to the lesser of 55' or 4 stories. The planned parking deck is expected to have a footprint of 44,060 sq ft (86% of the lot) and to reach a height of 64'. We are requesting a variance of 46% max built area and a variance of 9' max height for this project.

Applicant Name (print) _____

Signature _____

Representative Name (print) Caleb Wojciechowski

Signature [Signature]

Date 4/16/2026

If applicant is using a

representative for the

request both signatures

are required

Office Use Received By: _____

Zone _____

Hearing Date _____

Approved Disapproved _____

Board of Zoning
Adjustment Staff
Report



Variance 260526-03

MEETING DATE: July 2nd, 2026

PETITIONER: Nicholas Ostrye

PROPERTY OWNER: Indian Hills Partners, Inc

SUBJECT ADDRESS: 3430 Indian Hills Road SE

REQUEST: Variance request to allow an increase to the maximum allowable impervious coverage from 40% to 65%.

CURRENT ZONING: CC (Community Commercial)

LOCATION: 3430 Indian Hills Road SE

SURROUNDING LAND North: Community Commercial (CC)

USES AND ZONING: South: Agriculture (AG)

East: Community Commercial (CC)

West: Community Commercial (CC)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance from the Community Commercial (CC) district requirement regulating maximum built area (impervious coverage). Specifically, the request seeks approval to increase the allowable impervious coverage to 65%, which represents an additional 25% beyond the 40% maximum permitted by the zoning ordinance.

APPLICANT'S HARDSHIP (FROM APPLICATION):

We are asking for a variance in the "built area, max. (percent of lot area)" requirement for CC Community Commercial zoning, per the Zoning Ordinance Rewrite - Sec. 25-3.2.4(d)(2). The requirement limits a development within CC to only 40% total impervious coverage. The required 40% max impervious coverage creates a near unachievable goal for us to meet while maintaining adequate circulation through the site and providing the minimum amount of off-street parking. We were unaware our rezoning would be based on the Zoning Ordinance Rewrite and in effect held to the standards of CC zoning.

We ask for a variance to be granted allowing a maximum of 65% total impervious coverage (built area max.) for our proposed development.

ZONING ORDINANCE REFERENCED- Sec. 25-3.2.4(d). (Community Commercial)

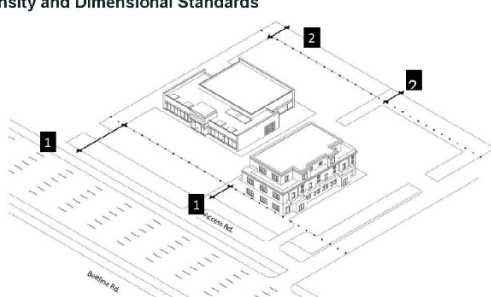
Section 25-3.2 Base Districts
Sec. 25-3.2.4 BUSINESS DISTRICTS

(d) COMMUNITY COMMERCIAL (CC) DISTRICT

(1) Purpose

The purpose of the Community Commercial (CC) District is to provide lands to accommodate a range of community-serving nonresidential uses, as well as residential uses if they are designed in ways that are integrated with the nonresidential development. The district supports stand-alone general commercial, office, recreation/entertainment, and restaurant development at a moderate scale, as well as mixed-use development.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min.	[1]
1 Front setback, min. (ft.)	60 25 [2]
Side setback, min. (ft.)	None 25 [3]
2 Rear setback, min. (ft.)	20
Built area, max. (percent of lot area)	40
Building height, max.	Lesser of 55 ft. or 4 stories

NOTES:

[1] Lots shall be of sufficient size so that the allowed use can reasonably locate on the site and comply with all applicable standards in this Ordinance.

[2] The minimum front setback is 60 feet for property adjacent to Beltline Road and 25 feet otherwise.

[3] The minimum side setback is 25 feet from any lot classified in a residential zoning district.

(3) Reference to Other Standards

Development in the CC District shall 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

Decatur, Alabama Zoning Ordinance3-23

ANALYSIS:

The applicant is requesting a variance from the dimensional requirements of the Community Commercial (CC) zoning district to allow an increase in the maximum impervious coverage beyond the permitted 40 percent limit. The applicant is seeking approval for 65 percent total impervious coverage, an additional 25 percent above what the ordinance allows.

According to the applicant, the current site exhibit reflects 61 percent impervious coverage. The applicant notes that this additional allowance is intended to provide flexibility for final design adjustments and to ensure adequate site circulation and required off-street parking. If approved, the variance would permit a substantially higher level of site coverage than the CC district standards currently permits.

RECOMMENDATION

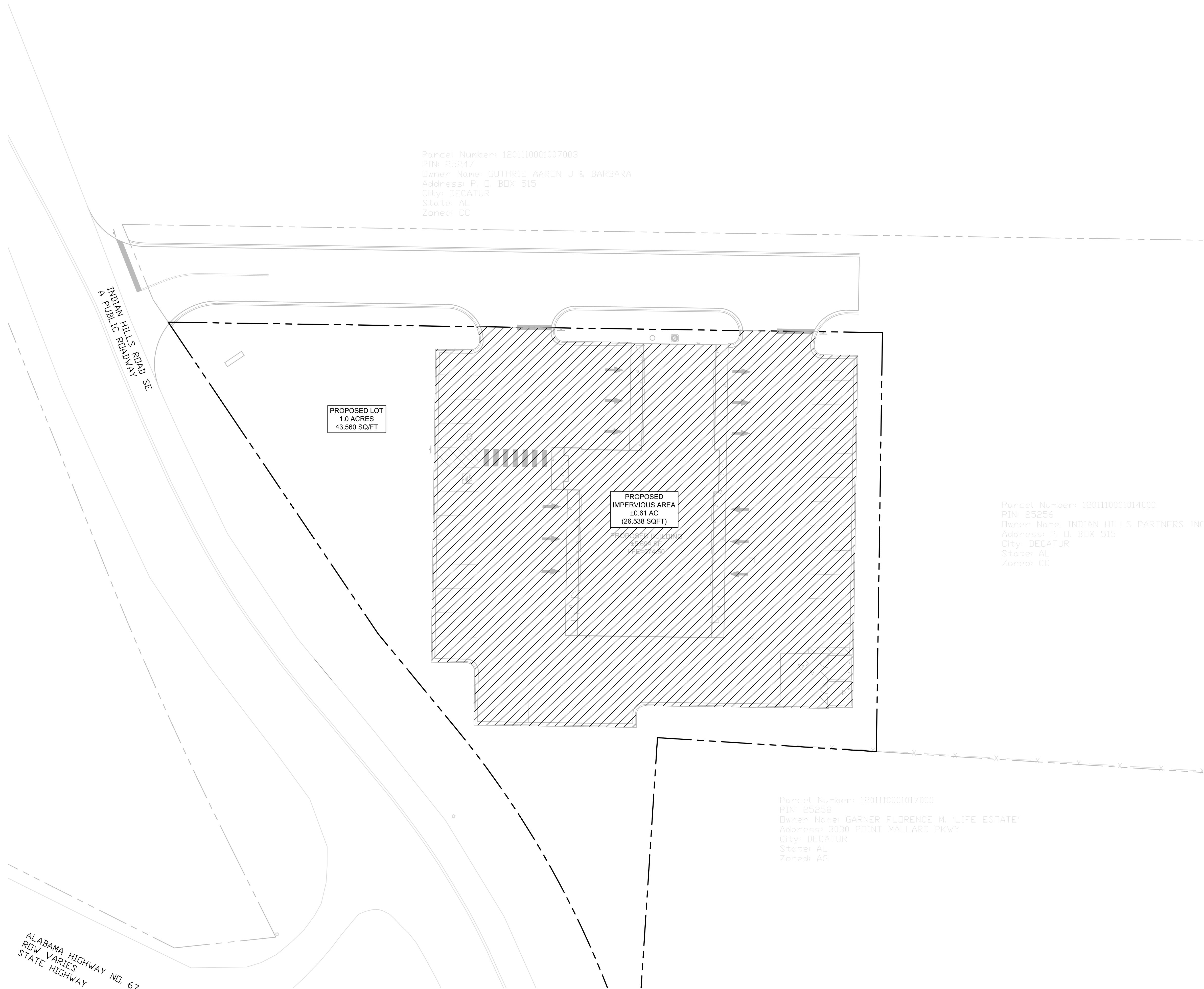
Based on the analysis above, staff recommends Approval of the variance request to allow the maximum built area (impervious coverage) within the Community Commercial (CC) district to exceed the permitted 40 percent limitation and increase to 65 percent, representing an additional 25 percent beyond what the ordinance allows. This recommendation is made subject to the applicant's continued compliance with all other applicable zoning, engineering, and development requirements of the City.

3430 INDIAN HILLS ROAD









LEGEND

PROPOSED IMPERVIOUS AREA

PROPERTY LINE

APPEAL STATEMENT SUMMARY:
WE REQUEST A VARIANCE ALLOWING OUR DEVELOPMENT TO HAVE A TOTAL IMPERVIOUS COVERAGE AREA (BUILT AREA, MAX.) OF 65% (28,314 SQFT).

BUILT AREA CALCULATION:
TOTAL PROPOSED IMPERVIOUS AREA = 0.61 AC

PROPOSED BUILT AREA PERCENTAGE:
= (TOTAL IMPERVIOUS AREA / TOTAL LOT AREA) x 100
= (0.61 AC / 1.00 AC) x 100
= 61%

MAXIMUM BUILT AREA FOR CC ZONING = 40%

SITE INFORMATION

ZONING: CC (COMMUNITY COMMERCIAL)

PROPOSED USE: PERSONAL VEHICLE SERVICE AND REPAIR

ADDRESS: 3430 INDIAN HILLS ROAD SE
DECATUR, AL 35603

LOT NUMBER: LOT #1

LOT SIZE: ± 1.00 AC (± 43,560 SF)

GENERAL FLOOR AREA: ± 5,694 SF

REQUIRED PARKING:
3 PER REPAIR BAY
= (3 SPACES x 9 REPAIR BAYS)
= 27 SPACES REQUIRED

PROVIDED PARKING:
(21) STANDARD + (2) ADA ACCESSIBLE + (4) COMPACT
= 27 SPACES PROVIDED

BUILDING SETBACK: 25' FRONT, 20' REAR, 0' SIDE

LANDSCAPE BUFFER: 5' FRONT, 5' REAR, 5' SIDE



3528 Vann Road
Suite 105
Birmingham, AL 35235
Phone: (205) 655-1991
www.ccipe.com

ENGINEER-OF-RECORD
NICHOLAS OSTRYE, P.E.
AL REG. NO. 38782

MAXIMUM BUILT AREA EXHIBIT

EXPRESS OIL CHANGE - PRICEVILLE

3430 INDIAN HILLS ROAD SE, DECATUR, ALABAMA

FOR
EXPRESS OIL CHANGE, LLC

NO.	DESCRIPTION	REVISIONS	BY	CHKD BY	REV DATE
1	FOR VARIANCE REQUEST - REVISED PER CITY COMMENTS		SAR	NJO	06/24/2026
0	FOR VARIANCE REQUEST		SAR	NJO	04/22/2026

DRAWING NO.

EX-1



402 Lee St NE 1st Floor Council Chamber

Board of Zoning Adjustment

APPLICANT: Nicholas Ostrye

MAILING ADDR: 3528 Vann Road, Suite 105

CITY, STATE, ZIP: Birmingham, Alabama 35235

PHONE: 205-655-1991

PROPERTY OWNER: Indian Hills Partners, Inc.

OWNER ADDR: P.O. Box 515

CITY, STATE, ZIP: Decatur, Alabama 35602 PHONE: 256-353-4069

ADDRESS FOR APPEAL: 3430 Indian Hills Road SE, Decatur, Alabama 35603 (Lot #1)

NATURE OF APPEAL:

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

*******Applicants or Duly Appointed Representative MUST be present in order
For the case to be heard*******

DESCRIBE APPEAL IN DETAIL: (INCLUDE DIMENSIONS, # FT FOR VARIANCES; # FOR PARKING; HARDSHIP; TYPE OF BUSINESS)

We are asking for a variance in the "built area, max. (percent of lot area)" requirement for CC Community Commercial zoning, per the Zoning Ordinance Rewrite - Sec. 25-3.2.4(d)(2). The requirement limits a development within CC to only 40% total impervious coverage. The required 40% max impervious coverage creates a near unachievable goal for us to meet while maintaining adequate circulation through the site and providing the minimum amount of off-street parking. We were unaware our rezoning would be based on the Zoning Ordinance Rewrite and in effect held to the standards of CC zoning. We ask for a variance to be granted allowing a maximum of 65% total impervious coverage (built area max.) for our proposed development.

Applicant Name (print) <u>Nicholas Ostrye</u>	If applicant is using a representative for the request both signatures are required	Office Use Received By: _____
Signature <u><i>Nicholas Ostrye</i></u>		Zone _____
Representative Name (print) _____		Hearing Date _____
Signature _____		Approved/Disapproved _____
Date <u>5/27/24</u>		

Board of Zoning
Adjustment Staff
Report



Special Exception 260630-01

MEETING DATE: June 30th, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: Rodan Development

SUBJECT ADDRESS: 715 Summit Drive

REQUEST: Variance to allow a 31.82 percent reduction in the minimum required off-street parking from 88 to 60 parking spaces

CURRENT ZONING: LI (Light Industrial)

LOCATION: South of 719 Summit Drive SE

SURROUNDING LAND North: LI (Light Industrial)

USES AND ZONING: South: UC-MX (Urban Corridor Mixed-use)

East: UC-MX (Urban Corridor Mixed-use)

West: LI (Light Industrial)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: 1. Use-Variance to allow recreational use in a light industrial zone

DESCRIPTION OF VARIANCE REQUEST:

Variance to allow a 31.82 percent reduction in the minimum required off-street parking from 88 to 60 parking spaces

APPLICANT'S HARDSHIP (FROM APPLICATION):

Dear Members of the Board,

Pugh Wright McAnally, Inc. (PWM) submits this appeal on behalf of Rodan development Co. in support of a request for a parking count reduction for the proposed Tumble Hub indoor youth training and activity facility located South of Summit Drive in Decatur, Alabama.

Under the City of Decatur Zoning Ordinance, Table 25-5.2.5(A)(1) requires Indoor Recreation Facilities to provide five (5) parking spaces per 1,000 square feet of floor area. Based on the proposed 17,500 Square Foot building, this requirement results in a total of 88 required parking spaces.

The applicant is requesting approval to provide 60 parking spaces, including two ADA-accessible spaces, in lieu of the required 88 spaces.

We believe this reduction is reasonable and appropriate based on the operational characteristics of the facility and its demonstrated parking demand.

Tumble Hub provides organized youth activities including gymnastics, tumbling, ninja sports, fitness instruction, creative classes, and similar recreational programs. Unlike uses that generate parking demand throughout an entire building simultaneously, Tumble Hub operates primarily through scheduled classes and instructor-led activities. Participation is distributed throughout the day, and occupancy is limited by class sizes and scheduled programming.

Additionally, the vast majority of participants are children who are transported by parents or guardians. Multiple children from the same household frequently attend classes together and arrive in a single vehicle. Likewise, many classes consist of siblings or participants who arrive with family members, resulting in a significantly lower vehicle count than would typically be anticipated based solely on the number of participants or the overall square footage of the building.

A substantial portion of the facility consists of open activity areas dedicated to gymnastics equipment, tumbling lanes, foam pits, ninja course elements, and related recreational equipment. While these areas contribute to the building's floor area, they do not generate parking demand proportional to their size. The parking characteristics of the facility are therefore considerably different from many other recreational or assembly-type uses.

The applicant currently operates at another location with fewer than 30 parking spaces and has successfully accommodated its customer base without creating parking shortages or overflow onto adjacent properties. The proposed development will more than double the available parking supply while providing a significantly larger facility designed to support future growth and expanded programming.

Based on the applicant's existing operational experience, anticipated class schedules, and the nature of the proposed use, the requested 60-space parking supply is expected to adequately serve the facility during peak operating periods without creating adverse impacts on neighboring properties or public rights-of-way.

Requiring the full 88 spaces would result in unnecessary over-parking, increased impervious surface area, additional stormwater runoff, and reduced flexibility in site design without a corresponding public benefit. The proposed parking count strikes a reasonable balance between

meeting the needs of the facility and promoting efficient land use while maintaining adequate parking for customers, employees, and visitors.

For these reasons, Pugh Wright McAnally, Inc., on behalf of Rodan Development Co., respectfully requests approval of the proposed parking reduction.

Thank you for your time and consideration.

ZONING ORDINANCE REFERENCED- Table 25-5.2.5(A)(1): Minimum Number of Off-Street Parking Spaces

TABLE 25-5.2.5(A)(1): MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
PRINCIPAL USE CATEGORY/TYPE	MINIMUM NUMBER OF PARKING SPACES
	ALL DISTRICTS EXCEPT CB [1] [2]
Personal grooming or well-being service	2.0 per 1,000 sf
Personal or household goods repair	2.0 per 1,000 sf
Studio	2.0 per 1,000 sf
Recreation/Entertainment	
Art gallery	2.5 per 1,000 sf
Country club	2.5 per 1,000 sf
Golf course	5.0 per hole
Performing arts center	1.0 per 4 seats design capacity
Recreation facility, Indoor	5.0 per 1,000 sf
Recreation facility, Outdoor	1.0 per 5 seats or 1.0 per 5,000 sf outdoor area
Sexually-oriented business	3.3 per 1,000 sf
Stadium, arena, or amphitheater	3.0 per 1,000 sf
Retail Sales and Services	
ABC store	3.3 per 1,000 sf
Bank or financial institution	3.3 per 1,000 sf
Consumer goods establishment	3.3 per 1,000 sf
Pawnshop	3.3 per 1,000 sf
Self-service storage	1.0 per 200 rental spaces
Self-service storage, indoor climate controlled	1.0 per 200 rental spaces
Small loan establishment	3.3 per 1,000 sf
Vehicle Sales and Services	
Commercial fuel depot	1.0 per employee
Commercial vehicles sales and rentals	3.3 per 1,000 sf
Commercial vehicle service and repair	3.0 per repair bay
Personal vehicle car wash	3 per wash bay
Personal vehicle sales and rental	3.3 per 1,000 sf
Personal vehicle service and repair	3.0 per repair bay
Vehicle fueling station	3.3 per 1,000 sf
Visitor Accommodations	
Campground	1.0 per campsite
Hotel or motel	1.0 per bedroom
Tourist home	1.0 plus 1.0 per bedroom

ANALYSIS:

The applicant is requesting a variance from Section 25-5.2.5(A)(1), Minimum Number of Off-Street Parking Spaces, which requires indoor recreation facilities to provide five (5) parking spaces per 1,000 square feet of floor area. Based on this requirement, the proposed facility is required to provide eighty-eight (88) parking spaces.

The applicant proposes to provide sixty (60) parking spaces, which is twenty-eight (28) fewer spaces than required, representing a 31.82 percent reduction from the minimum parking requirement.

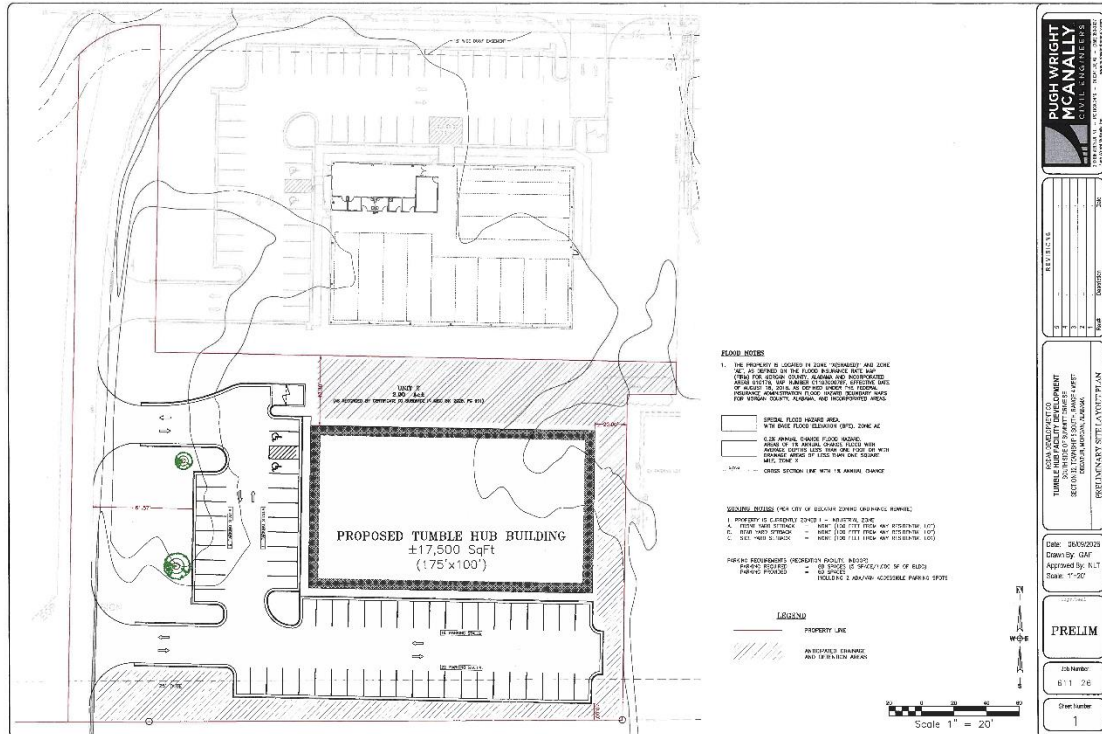
The purpose of the parking standards is to ensure that adequate parking is available on-site and to prevent overflow parking onto adjacent properties and public streets. In considering this request, the Board should evaluate whether the proposed number of parking spaces will adequately serve the facility and whether the reduction is likely to create parking or traffic-related impacts on surrounding properties.

Staff finds that the requested variance would allow the applicant to provide fewer parking spaces than required by the ordinance while still maintaining on-site parking for the proposed use. The Board should consider whether the reduced parking supply is sufficient to accommodate the expected demand and whether approval of the variance would be consistent with the intent of the zoning ordinance.

RECOMMENDATION

Based on the information provided, staff recommends approval of the requested variance from Section 25-5.2.5(A)(1), Minimum Number of Off-Street Parking Spaces, to allow sixty (60) parking spaces in lieu of the required eighty-eight (88) parking spaces. The requested reduction is not expected to adversely impact surrounding properties or create significant parking issues, provided the facility operates as proposed. Staff finds that the request is reasonable and generally consistent with the intent of the zoning ordinance to provide adequate off-street parking for the proposed use. The Board of Zoning Adjustment should consider the proximity of the proposed use to nearby residential properties, the compatibility of the use with the surrounding neighborhood, and whether the applicant has demonstrated that the proposed use will protect the public health, safety, and welfare while maintaining the character of the Community Neighborhood District.

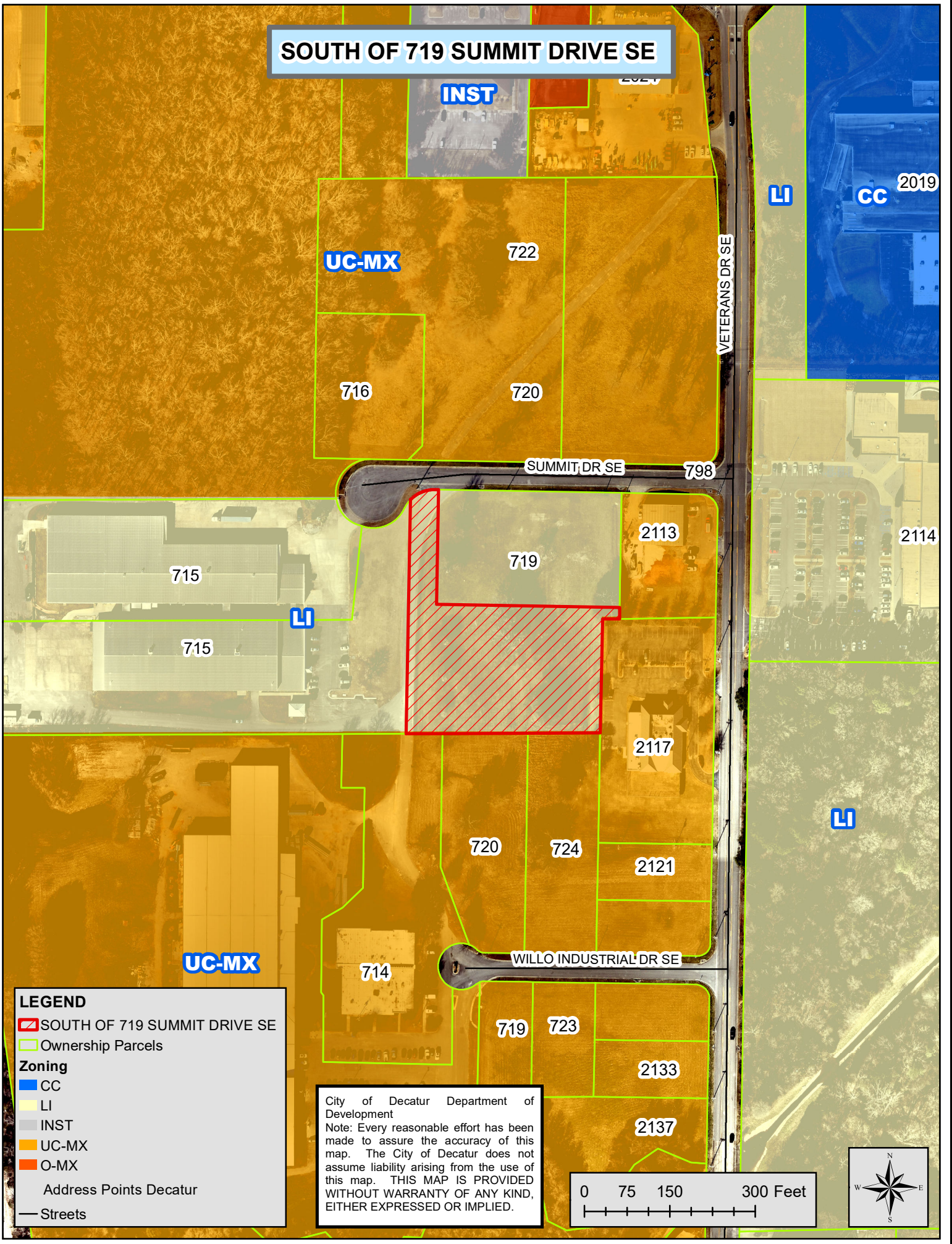
PROPOSED PARKING LAYOUT

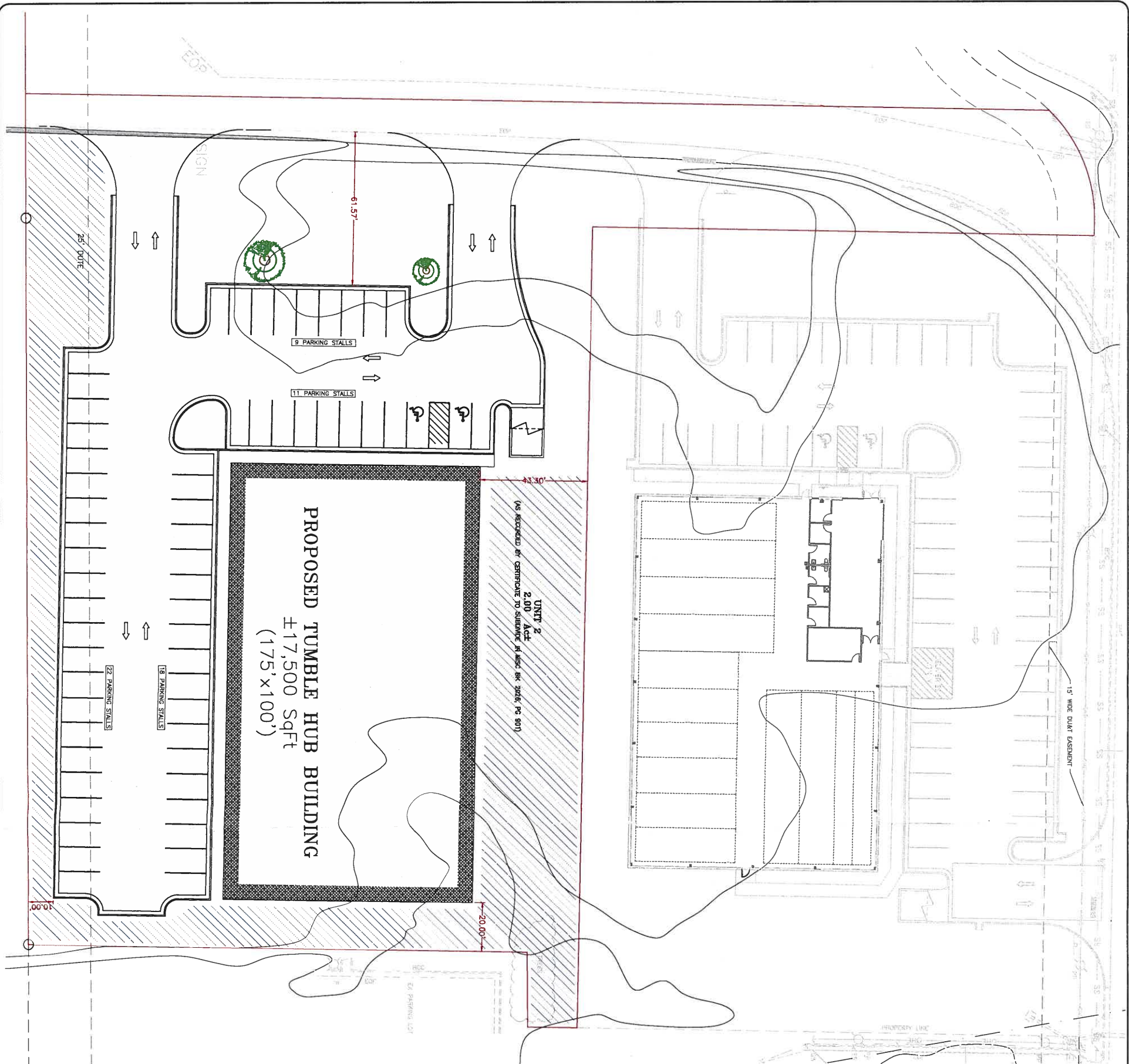


SOUTH OF 719 SUMMIT DRIVE SE



SOUTH OF 719 SUMMIT DRIVE SE





FLOOD NOTES

1. THE PROPERTY IS LOCATED IN ZONE "X(SHADED)" AND ZONE "AE" AS DERIVED ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR MORGAN COUNTY, ALABAMA, RECORDED UNDER DEED BOOK NUMBER 014900721, RECORD DATE OF AUGUST 16, 2018, AS DERIVED UNDER THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS FOR MORGAN COUNTY, ALABAMA, AND INCORPORATED AREAS.

- ☐ SPECIAL FLOOD HAZARD AREA, WITH BASE FLOOD ELEVATION (BFE), ZONE AE
- ☐ 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE, ZONE X
- ☐ 572.8 — CROSS SECTION LINE WITH 1% ANNUAL CHANCE

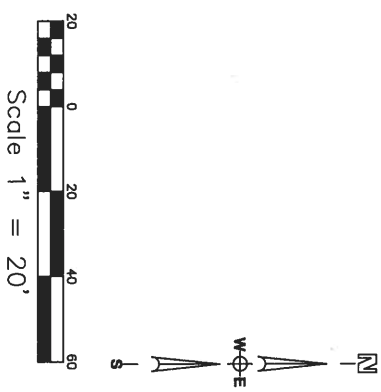
ZONING NOTES (PER CITY OF DECATUR ZONING ORDINANCE REWRITE)

- 1. PROPERTY IS CURRENTLY ZONED I - INDUSTRIAL ZONE
- A. FRONT YARD SETBACK = NONE (100 FEET FROM ANY RESIDENTIAL LOT)
- B. REAR YARD SETBACK = NONE (100 FEET FROM ANY RESIDENTIAL LOT)
- C. SIDE YARD SETBACK = NONE (100 FEET FROM ANY RESIDENTIAL LOT)

PARKING REQUIREMENTS (RECREATION FACILITY, INDOOR)
PARKING REQUIRED = 88 SPACES (3 SPACE/1,000 SF OF BLDG)
PARKING PROVIDED = 60 SPACES
INCLUDING 2 ADA/VAN ACCESSIBLE PARKING SPOTS

LEGEND

- PROPERTY LINE
- ANTICIPATED DRAINAGE AND DETENTION AREAS



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



**PUGH WRIGHT
MCANALLY**
CIVIL ENGINEERS

310 8th AVENUE NE -- PO BOX 2419 -- DECATUR, AL -- (256) 353-3937
Pugh Wright McAnally, Inc. www.pughwrightmcanally.com

RODAN DEVELOPMENT CO.
TUMBLE HUB FACILITY DEVELOPMENT
SOUTH SIDE OF SUMMITT DRIVE SE
SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST
DECATUR, MORGAN, ALABAMA

PRELIMINARY SITE LAYOUT PLAN

Date: 06/09/2026
Drawn By: GAF
Approved By: NLT
Scale: 1"=20'

3107344.1

PRELIM

Job Number:
611-26

Sheet Number:
1

June 10th, 2026

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

RE: Parking Reduction Request✓
Project name: Proposed Tumble Hub Indoor Training Facility
PWM Project Number: 611-26

Dear Members of the Board,

Pugh Wright McAnally, Inc. (PWM) submits this appeal on behalf of Rodan development Co. in support of a request for a parking count reduction for the proposed Tumble Hub indoor youth training and activity facility located South of Summit Drive in Decatur, Alabama.

Under the City of Decatur Zoning Ordinance, *Table 25-5.2.5(A)(1)* requires Indoor Recreation Facilities to provide five (5) parking spaces per 1,000 square feet of floor area. Based on the proposed **17,500 Square Ffoot** building, this requirement results in a total of **88** required **parking spaces**.

The applicant is requesting approval to provide 60 parking spaces, including two ADA-accessible spaces, in lieu of the required 88 spaces.

We believe this reduction is reasonable and appropriate based on the operational characteristics of the facility and its demonstrated parking demand.

Tumble Hub provides organized youth activities including gymnastics, tumbling, ninja sports, fitness instruction, creative classes, and similar recreational programs. Unlike uses that generate parking demand throughout an entire building simultaneously, Tumble Hub operates primarily through scheduled classes and instructor-led activities. Participation is distributed throughout the day, and occupancy is limited by class sizes and scheduled programming.

Additionally, the vast majority of participants are children who are transported by parents or guardians. Multiple children from the same household frequently attend classes together and arrive in a single vehicle. Likewise, many classes consist of siblings or participants who arrive with family members, resulting in a significantly lower vehicle count than would typically be anticipated based solely on the number of participants or the overall square footage of the building.

A substantial portion of the facility consists of open activity areas dedicated to gymnastics equipment, tumbling lanes, foam pits, ninja course elements, and related recreational equipment. While these areas contribute to the building's floor area, they do not generate parking demand proportional to their size. The parking characteristics of the facility are

therefore considerably different from many other recreational or assembly-type uses.

The applicant currently operates at another location with fewer than 30 parking spaces and has successfully accommodated its customer base without creating parking shortages or overflow onto adjacent properties. The proposed development will more than double the available parking supply while providing a significantly larger facility designed to support future growth and expanded programming.

Based on the applicant's existing operational experience, anticipated class schedules, and the nature of the proposed use, the requested 60-space parking supply is expected to adequately serve the facility during peak operating periods without creating adverse impacts on neighboring properties or public rights-of-way.

Requiring the full 88 spaces would result in unnecessary over-parking, increased impervious surface area, additional stormwater runoff, and reduced flexibility in site design without a corresponding public benefit. The proposed parking count strikes a reasonable balance between meeting the needs of the facility and promoting efficient land use while maintaining adequate parking for customers, employees, and visitors.

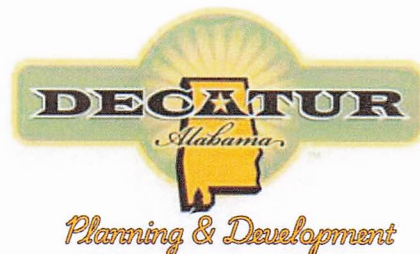
For these reasons, Pugh Wright McAnally, Inc., on behalf of Rodan Development Co., respectfully requests approval of the proposed parking reduction.

Thank you for your time and consideration.

Sincerely,
Pugh Wright McAnally, Inc
On behalf of Rodan Development Co.

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: South of Summit Drive SE, Decatur, AL 35601

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

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

Name of Owner(s): Rodan Development Co Phone: 256-466-3261

Address: 715 Summit Drive SE, Decatur, AL 35601 Email: dan@rodan-development.com

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

Current Zoning: L1 Total Acreage: 2 Current Use of Property: Vacant

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

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

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

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

- All items must be marked as included or understood:
- | | | |
|-------------------------------------|--|---|
| ☒ | Proof of Ownership | *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: Galya Ferguson Date: 6 / 10 / 2026

STATE OF ALABAMA

COUNTY OF Morgan

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

☒ Who is known to me or

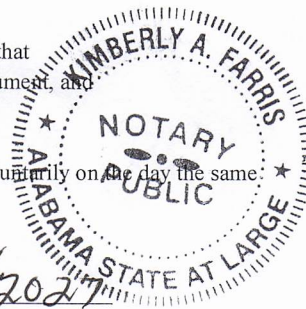
Whose identity I proved on the basis of _____

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 10th day of June, 2026.

Kimberly A. Farris, Notary Public

My Commission Expires: 12/05/2027



DESIGNATION OF AGENT
CITY OF DECATUR



I, Radan Development Co. LLC, being owner of the property which is the subject of this application (BOZA - TUMBLE HUB INDOOR TRAINING FACILITY - PARKING REDUCTION), 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: 6/16/24

Date: _____

STATE OF ALABAMA

COUNTY OF Morgan

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

☒ Who is known to me, or

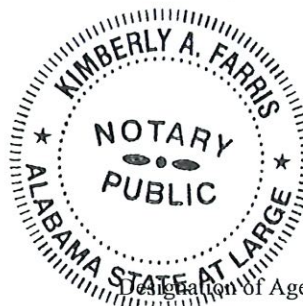
_____ Whose identity I proved on the basis of _____

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 16th day of June, 20 26.

Kimberly A. Farris
Notary Public

My Commission Expires: 12/05/2027



JOINT
UNANIMOUS WRITTEN CONSENT OF MEMBERS AND MANAGERS OF
RODAN DEVELOPMENT COMPANY, LLC AND
RODAN PROPERTIES, LLC
IN LIEU OF SPECIAL MEETINGS

WHEREAS, Rodan Development Company, LLC is an Alabama limited liability company ("Rodan Development"), whose Members are Roger Stephenson and Daniel Stephenson, who own all of the issued and outstanding Membership interest in the Rodan Development;

WHEREAS, Rodan Development is managed by its two Managers, who are Roger Stephenson and Daniel Stephenson;

WHEREAS, Rodan Development has adopted an Operating Agreement; and these Resolutions comply with terms of Rodan Development's Operating Agreement;

WHEREAS, Rodan Properties, LLC is an Alabama limited liability company ("Rodan Properties"), whose Members are Roger Stephenson and Daniel Stephenson, who own all of the issued and outstanding Membership interest in the Rodan Properties;

WHEREAS, Rodan Properties is managed by its two Managers, who are Roger Stephenson and Daniel Stephenson;

WHEREAS, Rodan Properties has not adopted an Operating Agreement;

WHEREAS, Rodan Development and Rodan Properties have common ownership between Roger Stephenson and Daniel Stephenson, and both companies are treated for tax purposes as partnerships;

WHEREAS, Rodan Properties is the owner of record, and title holder, to three parcels of real property located in Morgan County, Alabama and made the subject of that certain Certificate to Subdivide recorded in Misc. Book 2026 at Page 901 in the Office of the Judge of Probate of Morgan County, Alabama, which are described in said Certificate to Subdivide as "Units 1 through 3";

WHEREAS, Units 1 through 3 are encumbered by that certain first position Mortgage and Assignment of Rents from Rodan Properties to Bank Independent, recorded in Mtg. Book 2022 at Pages 6832 and 6840, respectively, in the Office of the Judge of Probate of Morgan County, Alabama;

WHEREAS, Units 1 through 3 are encumbered by that certain second position Mortgage and Assignment of Rents from Rodan Properties to Southern States Bank, recorded in Mtg. Book 2025 at Pages 33515 and 33525, respectively, in the Office of the Judge of Probate of Morgan County, Alabama;

WHEREAS, Rodan Properties has secured the release of Units 2 & 3 from the first and second position mortgages and assignment of rents from Bank Independent and from First Bank, doing business in Alabama as FirstBank of Tennessee, as the successor by merger with Southern States Bank;

WHEREAS, Rodan Development desires to develop Units 2 & 3 for future commercial purposes and Rodan Properties' does not desire to do so, as a result of its current projects and obligations;

WHEREAS, the Members and Managers of both companies desire to transfer and receive, without consideration between the companies being exchanges, Units 2 & 3 located in Morgan County, Alabama (the "Property");

WHEREAS, the Members and Managers of Rodan Development and Rodan Properties, by and through this joint unanimous written consent, resolve to have Rodan Properties transfer title to the Property, and to have Rodan Development receive title to the Property, and further resolve upon such other matters as are otherwise stated herein (the "Resolutions"), and hereby certify as follows:

(i) that Rodan Development and Rodan Properties are limited liability companies validly formed and existing under the laws of the State of Alabama;

(ii) that there is no provision in Rodan Development's Articles of Organization, Operating Agreement, or other instrument or governing document limiting the power of the Members and Managers to execute these Resolutions upon behalf of Rodan Development;

(iii) that there is no provision in Rodan Properties's Articles of Organization or other instrument or governing document limiting the power of the Members and Managers to execute these Resolutions upon behalf of Rodan Properties;

(iv) that the following Resolutions were duly adopted by the Member and Managers of Rodan Development and Rodan Properties by unanimous consent;

(v) that such Resolutions are in full force and effect and have not been amended or rescinded.

IT IS RESOLVED THAT the Rodan Properties shall transfer title of the Property to Rodan Development, without consideration, and Roger Stephenson and/or Daniel Stephenson, in their capacity as Manager(s) of Rodan Properties are hereby authorized to execute that certain Warranty Deed, a copy of which is attached to these Resolutions and is incorporated herein, to convey title to the Property to Rodan Development, upon the terms and conditions outlined in said Warranty Deed;

IT IS FURTHER RESOLVED THAT of the Rodan Development is authorized to accept and record the Warranty Deed from Rodan Properties in the Office of the Judge of Probate of Morgan County, Alabama; and shall pay all recording fees and taxes required in connection with the recording of said Warranty Deed;

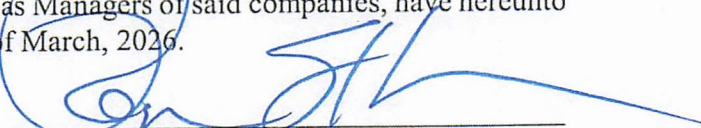
IT IS FURTHER RESOLVED THAT, shall be responsible for the payment of all costs and recording fees required in connection with the negotiation, preparation, and recording of the Partial Releases of Bank Independent and FirstBank's mortgages and assignment of rents, in the Office of the Judge of Probate of Morgan County, Alabama; and

IT IS FURTHER RESOLVED THAT all actions previously undertaken by the Rodan Development and Rodan Properties, and their Members or Managers, in their individual or company capacity, in connection with the matters involving the above Resolutions are hereby ratified and affirmed; and

IT IS FURTHER RESOLVED THAT one, or both, Managers of said companies are hereby authorized, on behalf of, in the name of, and for the account of Rodan Development and Rodan Properties to:

- A. execute and deliver any and all documents required for the matters involving the above Resolutions, and do or cause to be done any and all such other acts and things appropriate in order to make effective or implement the intent and purposes of the foregoing resolutions, and any document so executed or act or thing so done or caused to be done by one, or both, of the Managers shall be conclusive evidence of their authority in so doing.

IN WITNESS WHEREOF, the undersigned, Roger Stephenson and Daniel Stephenson, being the owners and holders of all the issued and outstanding Membership Interest of Rodan Development Company, LLC, an Alabama limited liability company, and Rodan Properties, LLC, in their individual capacities, and in their capacities as Managers of said companies, have hereunto affixed their hands and seals effective the 27th day of March, 2026.



Roger Stephenson, Member & Manager
of Rodan Development Company, LLC and
Rodan Properties, LLC

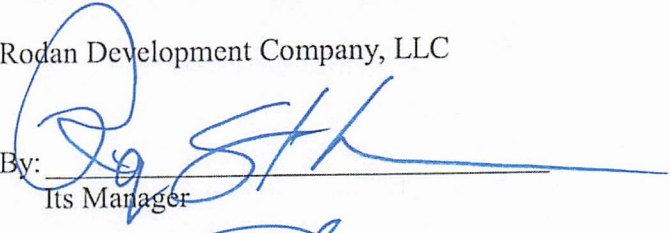


Daniel Stephenson, Member & Manager
of Rodan Development Company, LLC and
Rodan Properties, LLC

CERTIFICATION

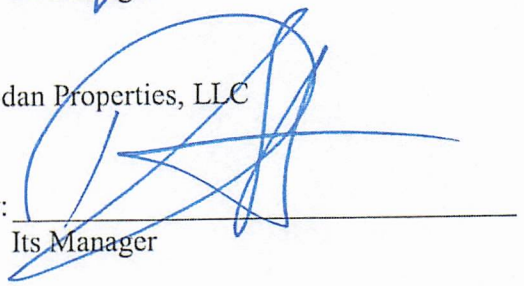
Hereunto all being authorized and effective on this the 27th day of March, 2026.

Rodan Development Company, LLC

By: 

Its Manager

Rodan Properties, LLC

By: 

Its Manager

This Instrument Prepared by:

Phil D. Mitchell
Harris, Caddell & Shanks, P.C.
Attorneys at Law
Post Office Box 2688
Decatur, Alabama 35602-2688
(256) 340-8037
Fax (256) 340-8039
pmitchell@harriscaddell.com

STATE OF ALABAMA)
) **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MORGAN)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that by and between **Rodan Properties, LLC**, an Alabama limited liability company whose address is 715 Summit Drive, SE, Decatur, Alabama 35601, (herein referred to as Grantor) and **Rodan Development Company, LLC**, an Alabama limited liability company whose address is 715 Summit Drive, SE, Decatur, Alabama 35601, (herein referred to as Grantee), for and in consideration of an exchange and transfer of real property having an appraised value of **Two Hundred Seventy-Five Thousand and NO/100 Dollars (\$275,000.00)**, and other good and valuable consideration to the undersigned Grantor from the Grantee herein, the receipt whereof is acknowledged, said Grantor does grant, bargain, sell and convey unto Grantee the following described real estate situated in Morgan County, Alabama, to-wit:

UNIT 2 - 2.00 Acres

BEGIN AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND RUN THENCE SOUTH 00 DEGREES 50 MINUTES 43 SECONDS WEST (ALABAMA STATE PLANE GRID - WEST ZONE [NAD83]) ALONG THE WEST BOUNDARY OF SAID SECTION 32 AND ALONG THE WEST BOUNDARY OF WILLO COMMERCIAL PARK, AS RECORDED BY MAP OR PLAT IN THE MORGAN COUNTY PROBATE JUDGE'S OFFICE, IN PLAT BOOK 2000, AT PAGE 19, IF EXTENDED, A DISTANCE OF 1108.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID WILLO COMMERCIAL PARK; THENCE CONTINUE SOUTH 00 DEGREES 50 MINUTES 43 SECONDS WEST ALONG THE WEST BOUNDARY OF SAID SECTION 32 A DISTANCE OF 200.04 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 744.10 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS") AND THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE TRUE POINT OF BEGINNING CONTINUE NORTH 89 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 342.03 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 01 DEGREES 02 MINUTES 01 SECONDS EAST A DISTANCE OF 200.05 FEET TO A CAPPED IRON PIN; THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 29.95 FEET TO A 5/8" REBAR; THENCE NORTH 01 DEGREES 02 MINUTES 03 SECONDS EAST A DISTANCE OF 20.00 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS WEST A DISTANCE OF 321.75 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 01 DEGREES 04 MINUTES 01 SECONDS EAST A DISTANCE OF 201.34 FEET TO A NAIL AND CAP ON THE SOUTH RIGHT-OF-WAY MARGIN OF SUMMIT DRIVE, SE (50' ROW); THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 6.00 FEET TO A NAIL AND CAP; THENCE ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF SUMMIT DRIVE, SE AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET (CHORD

BEARING SOUTH 67 DEGREES 37 MINUTES 06 SECONDS WEST, CHORD DISTANCE 47.95 FEET) AN ARC DISTANCE OF 48.74 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE SOUTH 01 DEGREES 04 MINUTES 01 SECONDS WEST A DISTANCE OF 410.78 FEET TO THE TRUE POINT OF BEGINNING, LYING AND BEING WITHIN THE NW1/4 OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND CONTAINING 2.00 ACRES, MORE OR LESS; SUBJECT TO EASEMENTS AS SHOWN ON MAP.

AND

UNIT 3 - 1.49 Acres

BEGIN AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND RUN THENCE SOUTH 00 DEGREES 50 MINUTES 43 SECONDS WEST (ALABAMA STATE PLANEGRID - WEST ZONE [NAD83]) ALONG THE WEST BOUNDARY OF SAID SECTION 32 AND ALONG THE WEST BOUNDARY OF WILLO COMMERCIAL PARK, AS RECORDED BY MAP OR PLAT IN THE MORGAN COUNTY PROBATE JUDGE'S OFFICE, IN PLAT BOOK 2000, AT PAGE 19, 1F EXTENDED, A DISTANCE OF 1108.57 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID WILLO COMMERCIAL PARK; THENCE CONTINUE SOUTH 00 DEGREES 50 MINUTES 43 SECONDS WEST ALONG THE WEST BOUNDARY OF SAID SECTION 32 A DISTANCE OF 200.04 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 744.10 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE CONTINUE NORTH 89 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 342.03 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 01 DEGREES 02 MINUTES 01 SECONDS EAST A DISTANCE OF 200.05 FEET TO A CAPPED IRON PIN; THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 29.95 FEET TO A 5/8" REBAR; THENCE NORTH 01 DEGREES 02 MINUTES 03 SECONDS EAST A DISTANCE OF 20.00 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS") TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE TRUE POINT OF BEGINNING NORTH 88 DEGREES 55 MINUTES 59 SECONDS WEST A DISTANCE OF 321.75 FEET TO A CAPPED IRON PIN (STAMPED "PWM AL/CA0021/LS"); THENCE NORTH 01 DEGREES 04 MINUTES 01 SECONDS EAST A DISTANCE OF 201.34 FEET TO A NAIL AND CAP ON THE ON THE SOUTH RIGHT-OF-WAY MARGIN OF SUMMIT DRIVE, SE (50' ROW); THENCE SOUTH 88 DEGREES 55 MINUTES 59 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF SUMMIT DRIVE, SE A DISTANCE OF 321.65 FEET TO A CAPPED IRON PIN; THENCE SOUTH 01 DEGREES 02 MINUTES 03 SECONDS WEST A DISTANCE OF 201.34 FEET TO THE TRUE POINT OF BEGINNING, LYING AND BEING WITHIN THE NW1/4 OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 4 WEST, DECATUR, MORGAN COUNTY, ALABAMA, AND CONTAINING 1.49 ACRES, MORE OR LESS; SUBJECT TO EASEMENTS AS SHOWN ON MAP.

Said Property being "Unit 2" and "Unit 3" as described in that certain Certificate to Subdivide issued by the Decatur City Planning Commission and recorded in Misc. Book 2026 at Page 901.

Subject to all existing encumbrances, easements and restrictions of record, and current ad valorem taxes.

Said property having a street address of: 719 Summit Drive, SE, Decatur, Alabama 35601, and is currently taxed as a portion of Morgan Count Tax Parcel No. 03 09 32 2 000 011.010.

TO HAVE AND TO HOLD to the said Grantee, its successors and assigns in fee simple, and Grantor does for itself and its successors and assigns covenant with said Grantee, its successors and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that it has a good right to sell and convey the same as aforesaid; that it will and its successors and assigns shall warrant and defend the same to said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor Rodan Properties, LLC has caused the same to be executed on this the _____ day of March, 2026.

Rodan Properties, LLC, an Alabama limited liability company

BY: _____ (SEAL)
Dan Stephenson, Its Manager

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Dan Stephenson**, whose name as Manager of Rodan Properties, LLC, an Alabama limited liability company, 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 in his capacity as Manager of said limited liability company and with full authority executed the same on behalf of said limited liability company voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of March, 2026.

My Commission Expires: _____

Notary Public

This Instrument Prepared by:

Phil D. Mitchell
Harris, Caddell & Shanks, P.C.
Attorneys at Law
Post Office Box 2688
Decatur, Alabama 35602-2688
(256) 340-8037
Fax (256) 340-8039
pmitchell@harriscaddell.com

Board of Zoning
Adjustment Staff
Report



Special Exception 260630-02

MEETING DATE: July 2nd, 2026

PETITIONER: Manpreet Kaur Tucker

PROPERTY OWNER: Farzaneh Properties

SUBJECT ADDRESS: 127 Austinville Road SW

REQUEST: Special Exception to establish an ABC store in a CN
(Commercial Neighborhood District)

CURRENT ZONING: CN (Commercial Neighborhood District)

LOCATION: 127 Austinville Road SW

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

USES AND ZONING: South: Institutional (INST)

East: Commercial Neighborhood
(CN)

West: Residential High Density (RM-
H)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

N/A

APPLICANT'S HARDSHIP (FROM APPLICATION):

N/A

ZONING ORDINANCE REFERENCED- Sec. 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	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD
Sexually-oriented business										S		S	S	S	S	S					
Stadium, arena, or amphitheater																					
Regulated by Chapter 2.6 of the City Code																					
RETAIL SALES AND SERVICES																					Sec. 25-4.2.4(e)(4)(i)
ABC store											S	P	P	P	P	P			P	P	
Bank or financial institution						S			S		P	P	P	P	P	P	S		P	P	P
Consumer goods establishment						S					P	P	P	P	P	P			P	P	P
Florist										P	P	P	P	P	P	P			P	P	P
Pawnshop												P									
Self-service storage												S	P				P	P			
Self-service storage, indoor climate-controlled												P	P		P	P	P	P			
Small loan establishment												P									
VEHICLE SALES AND SERVICES																					Sec. 25-4.2.4(e)(4)(iv)
Commercial fuel depot											S						P	P			
Commercial Parking Off Street Use													S				P				
Commercial vehicle sales and rentals												P					P	S			
Commercial vehicle service and repair																	P	S			
Personal vehicle car wash											P	P			P		P				
Personal vehicle sales and rental											P	P									
Personal vehicle service and repair											P	P									
Truck Stop												S					P	P			
Vehicle fueling station										S	P	P	P	P	P		P	P	P	P	
VISITOR ACCOMMODATIONS																					Sec. 25-4.2.4(e)(5)(iv)
Campground	S																				
Hotel or motel											P	P	P		P			P	P	P	
Tourist home																					
Error! Reference source not found.																					

ANALYSIS:

The applicant is requesting approval of a Special Exception to establish an ABC Store (liquor store) within the Community Neighborhood District.

Under the Zoning Ordinance, an ABC Store is classified as a Special Exception use within the Community Neighborhood District. The purpose of the Special Exception review process is to allow the Board of Zoning Adjustment (BZA) to evaluate whether a proposed liquor store is appropriate for a particular location and whether it is compatible with surrounding land uses and the character of the area.

Liquor stores are not permitted by right within the Community Neighborhood District, the BZA should carefully consider whether the proposed use is compatible with the surrounding area and whether its location could create adverse impacts on nearby residential properties.

In reviewing the request, the Board should consider the following factors:

- The proximity of the proposed liquor store to nearby residential uses, including both multifamily and single-family housing.
- Whether the proposed use is consistent with the intent of the Community Neighborhood District, which is designed to provide neighborhood-serving commercial uses while protecting the character and livability of adjacent residential areas.
- The potential for increased traffic, pedestrian activity, loitering, noise, or other operational impacts that could affect nearby residents.
- The adequacy of site design features such as lighting, security measures, parking, buffering, and building orientation to minimize impacts on adjacent properties.
- Whether the proposed use would be compatible with the existing development pattern and character of the surrounding neighborhood.

While the sale of alcoholic beverages is a lawful and regulated commercial activity, the Special Exception process exists to ensure that such uses are located in areas where they can operate in a manner that is compatible with surrounding properties and consistent with the public health, safety, and welfare.

The Board should weigh the location of the proposed ABC Store relative to nearby residential development and determine whether the applicant has demonstrated that the use can be operated without adversely affecting the surrounding neighborhood.

RECOMMENDATION

Based on the proximity of the proposed ABC Store to existing multifamily residential development and established residential neighborhoods, we would like to ensure that the upkeep and signage related to the convenience store and ABC Store do not increase the potential of becoming a nuisance for nearby residents.

Based on previous observations, this property has the potential to be a nuisance due to oversaturated signage advertising tobacco products and alcoholic beverages and the frequency of loitering.

While liquor stores are permitted as a Special Exception within the Community Neighborhood District, the purpose of the Special Exception review process is to allow the Board of Zoning Adjustment to determine whether the proposed use is appropriate for a specific location and whether it can operate without adversely affecting nearby properties.

Staff finds that the proximity of the proposed use to surrounding residential development can harm the aesthetics of the nearby community if not properly managed and maintained.

Therefore, staff recommends **denial or conditional approval** of the Special Exception request to allow an ABC Store (liquor store) within the Community Neighborhood District at the subject location.

Sec. 25-5.9.2 Purpose and Intent (e) Minimizing visual clutter and encouraging a visual environment within the City that reflects the community's desired character, allows the City to attract sources of economic development, and supports the economic well-being of the City's businesses; and

The approval conditions, which are also in the ordinance, shall be as follows:

- No signs fixed or mounted directly on each window panel exceeding 20% of the window panel
- No signs which display flashing, intermittent, rotating, or moving lights, or lights of changing degrees of intensity which are visible from the right-of-way of a public street or highway, or from any other vehicular travel way open to the public (this prohibition does not include changeable copy signs.);
- No LED, strip lighting, LED Module lighting, or rope lighting
- No signage on the parking bollards
- Ensure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists; Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;
- Strongly discourage loitering and ensure that the parking lot is always free of litter.

127 AUSTINVILLE ROAD SW



SIGN PICTURE



127 AUSTINVILLE ROAD SW



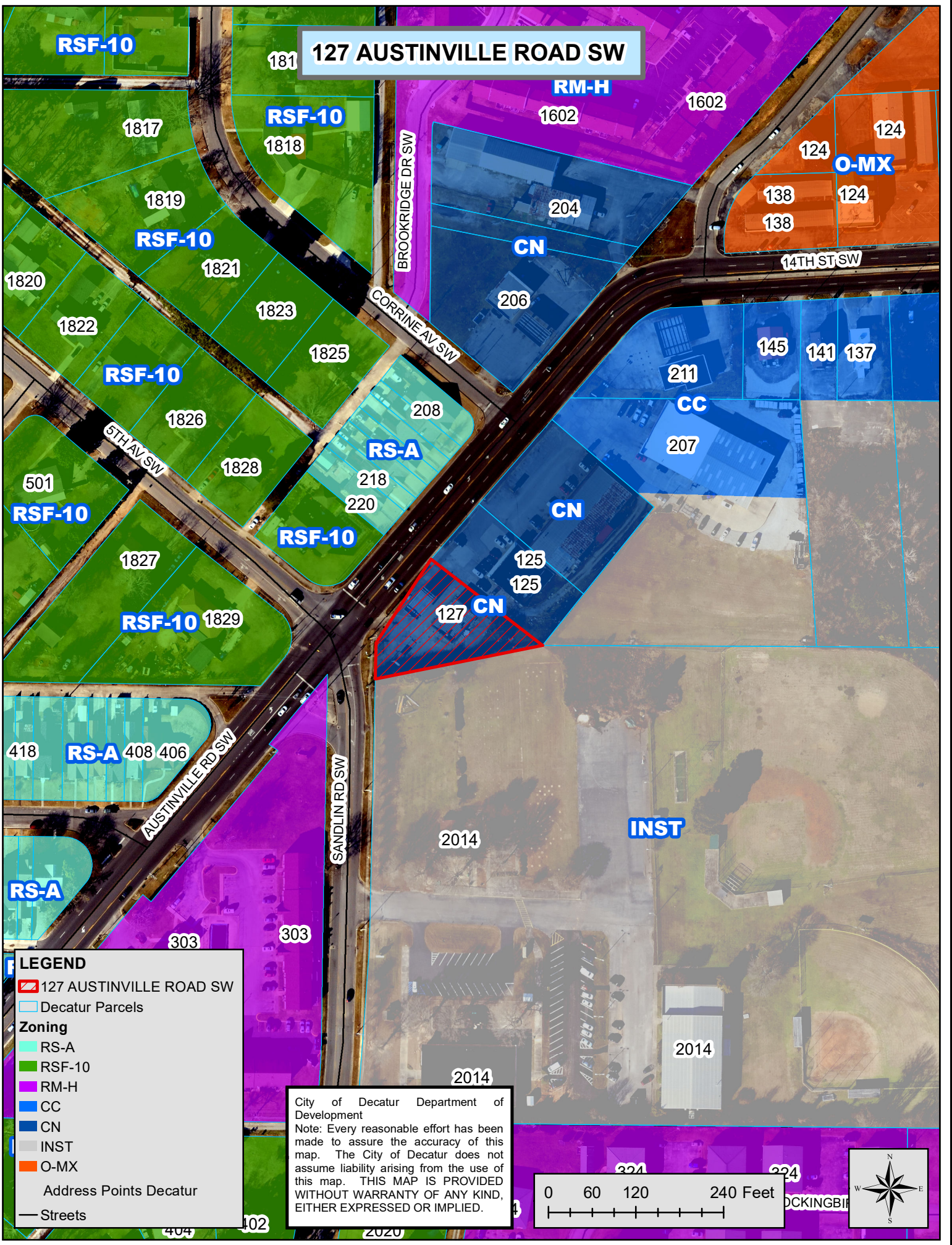
LEGEND

- 127 AUSTINVILLE 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.

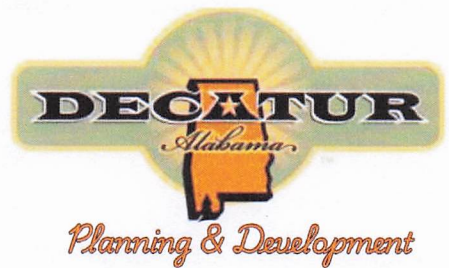
0 60 120 240 Feet





Special Exception – Board of Zoning Adjustment

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



Location of Subject Property: 127-A Austinville Rd SW, Decatur AL - 35601
Name of Applicant(s): Manpreet Kaur Tucker Phone: 256-529-8129
Address: 428 Kartere St NW, Huntsville AL 35805 Email: monadhaliwal8491@gmail.com
Name of Owner(s): Farzaneh Properties Phone: 256-347-6607
Address: 833 Tannahill Dr SE, Huntsville AL 35802 Email: SamKossary@yahoo.com
The applicant will be the point of contact for all communication with city staff
Current Zoning: B1 Total Acreage: _____ Current Use of Property: Convenient Store

Review the Decatur Zoning Ordinance, specifically § 25-2.2.3. Board of Zoning Adjustments (BZA)

Describe the requested use: (attach additional sheets as needed) I would like to separate Suite-A big store and Suite B Convenient Store inside the same store.

The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Plan and the Zoning Ordinance. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this ordinance.

Items must be marked as included or understood, or "N/A" if not applicable:

- | | |
|--|---|
| ☒ Proof of Ownership | *The deadline to apply for the next meeting is: _____ / _____ / _____ |
| ☐ Designation of Agent Form | *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 | |
| ☐ Church or Place of Assembly Supplement (if applicable) | |
| ☐ I understand that Special Exception approval lapses after one year if no construction or change in use has taken place | |
| ☐ Fee | |
| ☒ I agree to allow the City to place a sign or signs on this property notifying the public of this request | |

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 submitting incorrect or incomplete information that results in delays or invalidation is the sole responsibility of the applicant.

Applicant Signature: Manpreet K. Tucker Date: 06 / 06 / 2026

STATE OF ALABAMA

COUNTY OF Madison

I, Marlena Simone Gilbert, a Notary Public in and for said State at Large, hereby certify that
Manpreet Kaur Tucker, whose name is signed to the foregoing document, and

Who is known to me, or

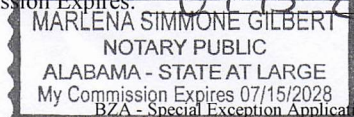
☒ Whose identity I proved on the basis of Drivers License

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 6 day of June, 2026.

Marlena Simone Gilbert, Notary Public

My Commission Expires: 07/15/2028



DESIGNATION OF AGENT
CITY OF DECATUR



I, Farzaneh Niakossary, being owner of the property which is the subject of this application (Liquor store), hereby authorize Manpreet Kaur Tucker 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): R. Niakossary Date: 6-16-26

Date: _____

STATE OF ALABAMA

COUNTY OF MADISON

I, Betty R Haynes, a Notary Public in and for said State at Large, hereby certify that Farzaneh Niakossary, whose name is signed to the foregoing document, and

☒ Who is known to me, or

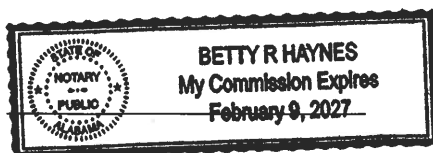
Whose identity I proved on the basis of _____

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 17th day of JUNE, 2026.

Betty R Haynes
Notary Public

My Commission Expires:



Board of Zoning Adjustment Staff Report



Use-Variance 260630-03

MEETING DATE: July 2nd, 2026

PETITIONER: Pugh Wright McAnally

PROPERTY OWNER: Roger Stephenson

SUBJECT ADDRESS: South of 719 Summit Drive SE

REQUEST: Use Variance to allow indoor recreation center.

CURRENT ZONING: Light Industrial District (LI)

LOCATION: South 719 Summit Drive SE

SURROUNDING LAND North: LI (Light-Industrial)

USES AND ZONING: South: Urban Corridor Mixed Use District (UC-MX)

East: Urban Corridor Mixed Use District (UC-MX)

West: LI (Light-Industrial)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: 1. Parking reduction from 88 to 60 parking spaces

DESCRIPTION OF USE-VARIANCE REQUEST:

Use Variance to allow an Indoor Recreation Facility for the development of a D-BAT indoor baseball and softball training facility.

APPLICANT'S HARDSHIP (FROM APPLICATION):

Dear Members of the Board,

Pugh Wright McAnally, Inc. (PWM) submits this request on behalf of Rodan Development Co., owner of the property located south of Summit Drive in Decatur, Alabama. This letter is provided in support of a request to permit an Indoor Recreation Facility for the development of the proposed Tumble Hub Indoor Youth Training and Activity Facility.

At the time initial development plans and due diligence efforts were undertaken, the subject property was zoned M-2 General Industry under the City of Decatur's former Zoning Ordinance. Under that ordinance, the proposed use was consistent with the intent and character of the district. During the site planning process, the City adopted a new Zoning Ordinance, and the property was reclassified to Light Industrial District (LI). Under the current Principal Use Table (Table 25-4.2.2(E)), Indoor Recreation Facilities are no longer permitted within this district.

This zoning transition created a hardship that was not self-imposed by the property owner. The development concept for this area was established in good-faith reliance on the zoning regulations in effect at the time, and the subsequent ordinance change directly impacted the feasibility of uses that were previously considered appropriate for the property.

The requested use is compatible with the existing development pattern within the surrounding area. Although the district is now classified as Light Industrial (LI), the area includes a variety of established uses, including general business offices, professional services, medical offices, and other commercial-type developments. The area functions as a transitional district rather than a traditional heavy industrial corridor and benefits from convenient access to Highway 31 (6th Avenue) and nearby business districts. The proposed Tumble Hub facility is an indoor, low-impact use focused on youth development, physical fitness, gymnastics, tumbling, ninja sports, and related instructional activities. All activities occur within the building and do not involve outdoor fields, amplified noise, emissions, manufacturing operations, or other impacts typically associated with industrial uses. Traffic patterns are expected to be similar to other service-oriented commercial uses, with activity concentrated during after-school, evening, and weekend hours.

While categorized as an Indoor Recreation Facility under the Zoning Ordinance, Tumble Hub functions primarily as a structured instructional and training facility. The business focuses on organized classes, skill development, coaching, and youth-oriented programs conducted within a controlled indoor environment. This operational model is compatible with the surrounding mix of professional and service-oriented businesses and is consistent with the evolving character of the area.

Additionally, on January 27, 2026, the Board approved a use variance for the adjacent D-BAT Indoor Training Facility. The proposed Tumble Hub development shares many of the same operational characteristics as D-BAT, including indoor instructional programming, youth-focused activities, limited external impacts, and compatibility with surrounding development. Approval of this request would allow the continued development of complementary family-oriented uses within the Summit Drive corridor while maintaining consistency with the Board's previous action on the adjacent property.

Tumble Hub would provide a valuable community service by offering gymnastics, tumbling, ninja sports, and youth activity programs for children and families throughout Decatur and the surrounding region. The facility would create additional recreational and developmental opportunities for local youth while contributing to continued investment in the area.

Denying the requested use would result in an unnecessary hardship by preventing reasonable utilization of the property for a use that is compatible with surrounding development, consistent with the character of the area, and beneficial to the community. Granting the variance would allow the property to be developed in a manner that supports economic activity and community-oriented services while remaining consistent with the intent of the zoning regulations.

For these reasons, Pugh Wright McAnally, Inc., on behalf of Rodan Development Co., respectfully requests approval of this use variance.

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	RMAN	RS-A	RM-M	RM-H	INST	CN	CC	CR	CB	UC-MX	O-MX	LI	I	R-PD	MEC-PD	TN-PD	
COMMERCIAL																						
ANIMAL CARE																						
Kennel	P											P	P		P	P			P	P		Sec. 25-4.2.4(e)(1)(i)
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	Sec. 25-4.2.4(e)(1)(ii)
BUSINESS SERVICE																						
Business service center												P	P	P	P	P	P		P	P	P	
Catering service										S	P	P	P	P	P	P	P		P	P	P	
Conference, training, or events center	S											P	P	P	P	P	P	S		P	P	Sec. 25-4.2.4(e)(2)(i)
EATING OR DRINKING ESTABLISHMENTS																						
Bar												P	P	S		P			S	P	P	Sec. 25-4.2.4(e)(3)(ii)
Brewpub												S	P	P		P	P		P	P	P	Sec. 25-4.2.4(e)(3)(ii)
Nightclub														S		S						Sec. 25-4.2.4(e)(3)(iii)
Restaurant												S	P	P	P	P	P		P	P	P	
OFFICE																						
Office, Contractor												P	P				P	P				
Office, General business and professional											S	S	P	P	P	P	P		P	P	P	
PERSONAL SERVICES																						
Dry-cleaning service									P		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		P	P	P	P	P	P			P	P	P	
Personal or household goods repair						S			S		P	P	P	P	P	P	P		P	P	P	
Studio						S		S		P	P	P	P	P	P	P	P		P	P	P	
Tattoo and/or Body Piercing Parlors												P	P	S	P		P					
RECREATION/ENTERTAINMENT																						
Art gallery						S				S	P	P	P	P	P	P	P		P	P	P	
Country club	S	S										S	S									
Golf course	S	S	S	S	S	S						S	S				S	S	S	P		
Performing arts center										P	P	P	P	P	P	P	P			P	P	
Recreation facility, Indoor										S	P	P	P	P	P	P	P			P	P	
Recreation facility, Outdoor	S									P	P	S	P	P	P	P			P	P	P	

ANALYSIS:

The applicant is requesting a use variance to allow the establishment of an indoor recreational facility within an Industrial (I) zoning district. A use variance is a formal exception that permits a land use that is not otherwise allowed within the zoning district under the City's Zoning Ordinance.

Use variances are generally considered only in limited circumstances because they allow a use that differs from those intended by the adopted zoning regulations. As such, the Planning Department typically does not support use variances unless there is sufficient evidence that the proposed use is compatible with the surrounding area and will not adversely affect neighboring properties.

In this case, staff finds that the proposed indoor recreational facility is compatible with the character of the surrounding area. The subject property is located among a mix of commercial and industrial uses, including businesses that generate similar traffic patterns and operational characteristics. The proposed use is not expected to create significant impacts related to noise, traffic, parking, or other land use conflicts beyond those commonly associated with existing nearby businesses.

While the Planning Department generally does not recommend approval of use variances, staff has reviewed the surrounding land uses and finds that the proposed indoor recreational facility is consistent with the development pattern of the area. Therefore, staff does not object to the requested use variance. Additionally, the BZA Board have previously approved a similar Use-Variance located immediately North of this project property.

RECOMMENDATION

Based on its review of the request and the surrounding land use pattern, staff recommends approval of the requested use variance to allow an indoor recreational facility within the Industrial (I) zoning district. Although use variances are generally discouraged because they permit uses not otherwise allowed by the Zoning Ordinance, staff finds that the proposed use is compatible with the character of the surrounding area and is not expected to create adverse impacts on neighboring properties.

[illegible]

Board of Zoning
Adjustment Staff
Report



Variance 260630-05

MEETING DATE: July 2, 2026

PETITIONER: David and Elizabeth Lupton

PROPERTY OWNER: David and Elizabeth Lupton

SUBJECT ADDRESS: 1804 Vestavia Dr., Decatur, AL 35603

REQUEST: Variance request to deviate from the side setbacks of 20 feet to 15.5 feet on the west side of the subject property

CURRENT ZONING: AG-1 (Agriculture)

LOCATION: 1804 Vestavia Dr., Decatur, AL 35603

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

USES AND ZONING: South: Agriculture (AG)

East: Agriculture (AG)

West: Agriculture (AG)

DEVELOPMENT STATUS & HISTORY:

Previous Requests: N/A

DESCRIPTION OF VARIANCE REQUEST:

The applicant is requesting a variance to the side setback by approximately 4.5 per the new zoning rewrite. The property owner has stated that he began preparing the site for construction prior to the implementation of the new zoning ordinance on January 1, 2026.

APPLICANT'S HARDSHIP (FROM APPLICATION):

This particular housing construction project is an infill into an existing neighborhood that had been constructed under the previous zoning ordinance. According to the property owner's timeline, construction activity began in November 2025 under the previous zoning ordinance with site clearing and grading for the pre-construction and installation of the septic system. In December 2025, the applicant stated that he received their 911 address for the property. In January 2026, Mr. Lupton explained that he received his official septic permit for a 3 bedroom, 2.5 bathroom home with a detached shop.

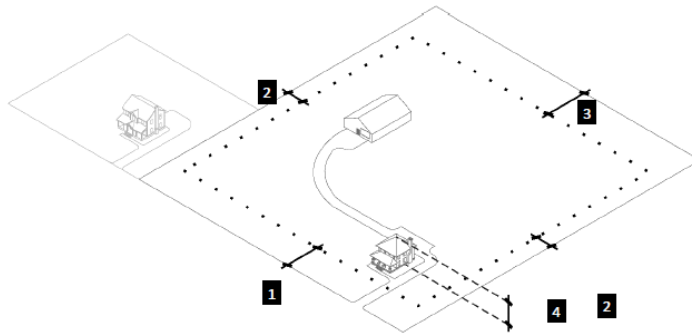
ZONING ORDINANCE REFERENCED- Sec. 25-3.2.4(d). (Community Commercial)

(a) AGRICULTURAL (AG) DISTRICT

(1) Purpose

The purpose of the Agricultural (AG) District is to provide lands that accommodate agricultural and agricultural supporting uses, as well as low density single-family detached dwelling units. The district includes significant areas of open space and is intended to discourage development that substantially interferes with agricultural production or the general rural character of the district.

(2) Intensity and Dimensional Standards



Standard	All Development
Lot area, min. (acres)	1
Lot width, min. (ft.)	100
1 Front setback, min. (ft.) [1]	50
2 Side setback, min. (ft.) [1]	20
3 Rear setback, min. (ft.) [1]	60
4 Building height, max.	lesser of 50 ft. or 2.5 stories

NOTES:

[1] The minimum setback for structures used for housing livestock is 100 feet from all land classified in a district other than the AG District.

(3) Reference to Other Standards

Development in the AG District shall 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

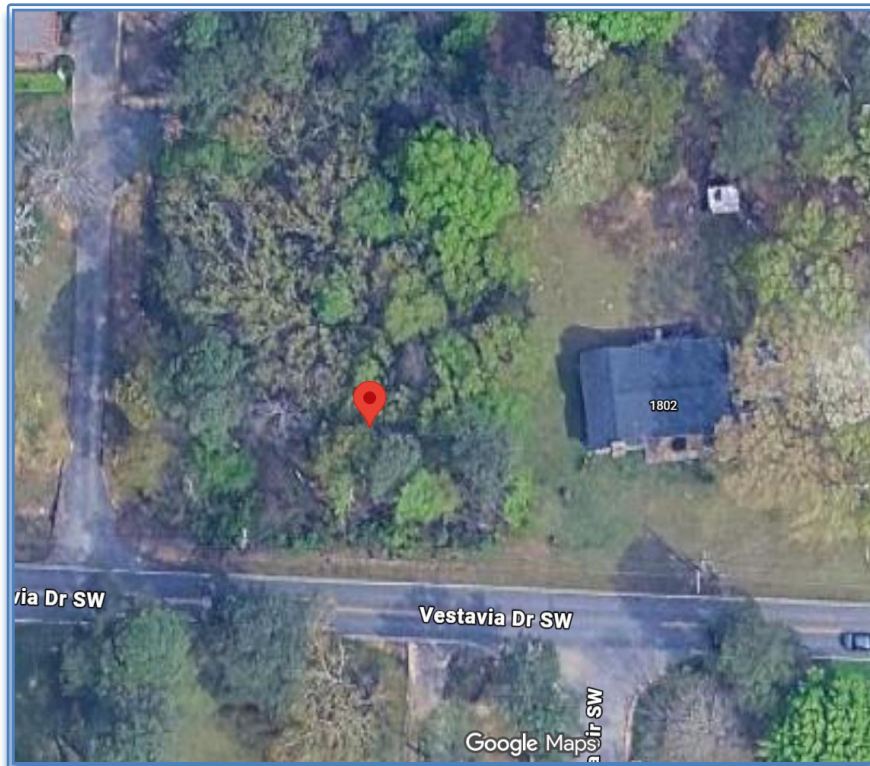
ANALYSIS:

The applicant is requesting a variance from the dimensional required set back set forth in the Agriculture (AG) Zoning District, which is 20ft. in the new zoning rewrite. In the previous zoning ordinance, the required set back was 15 ft. It is apparent that the property owner began some level of construction activity prior to the January 1, 2026 Decatur Zoning Rewrite implementation. If approved, the request would allow for a 4.5 ft variance from the newly established required side yard setback in AG zoning district per the new ordinance.

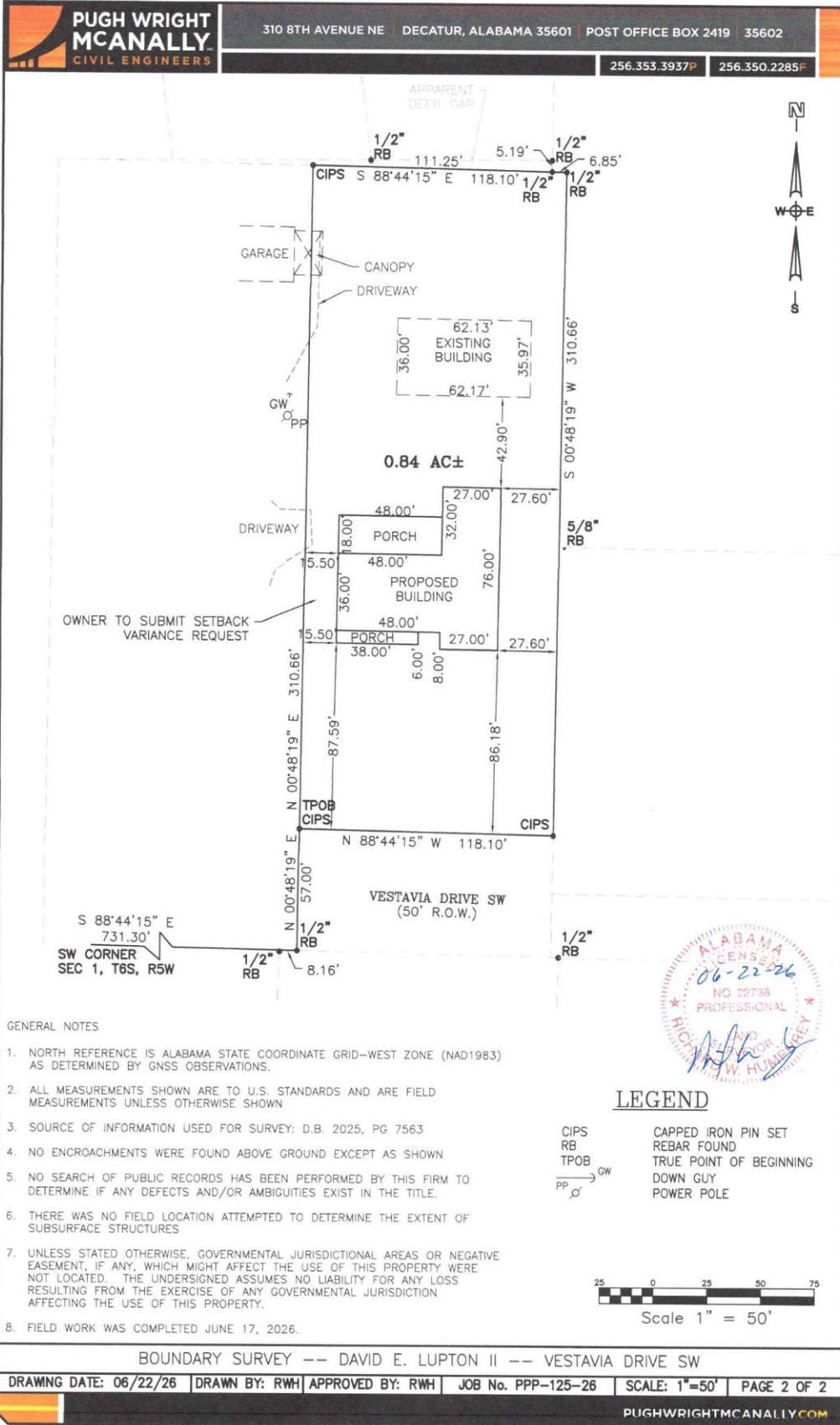
RECOMMENDATION

Based on the analysis above, staff recommends approval of the variance request to allow the 15.5 ft setback from the previous ordinance in lieu of the new 20 ft setback set forth in the new ordinance, subject to compliance with all other applicable zoning, engineering, and development requirements of the City.

1804 Vestavia Drive

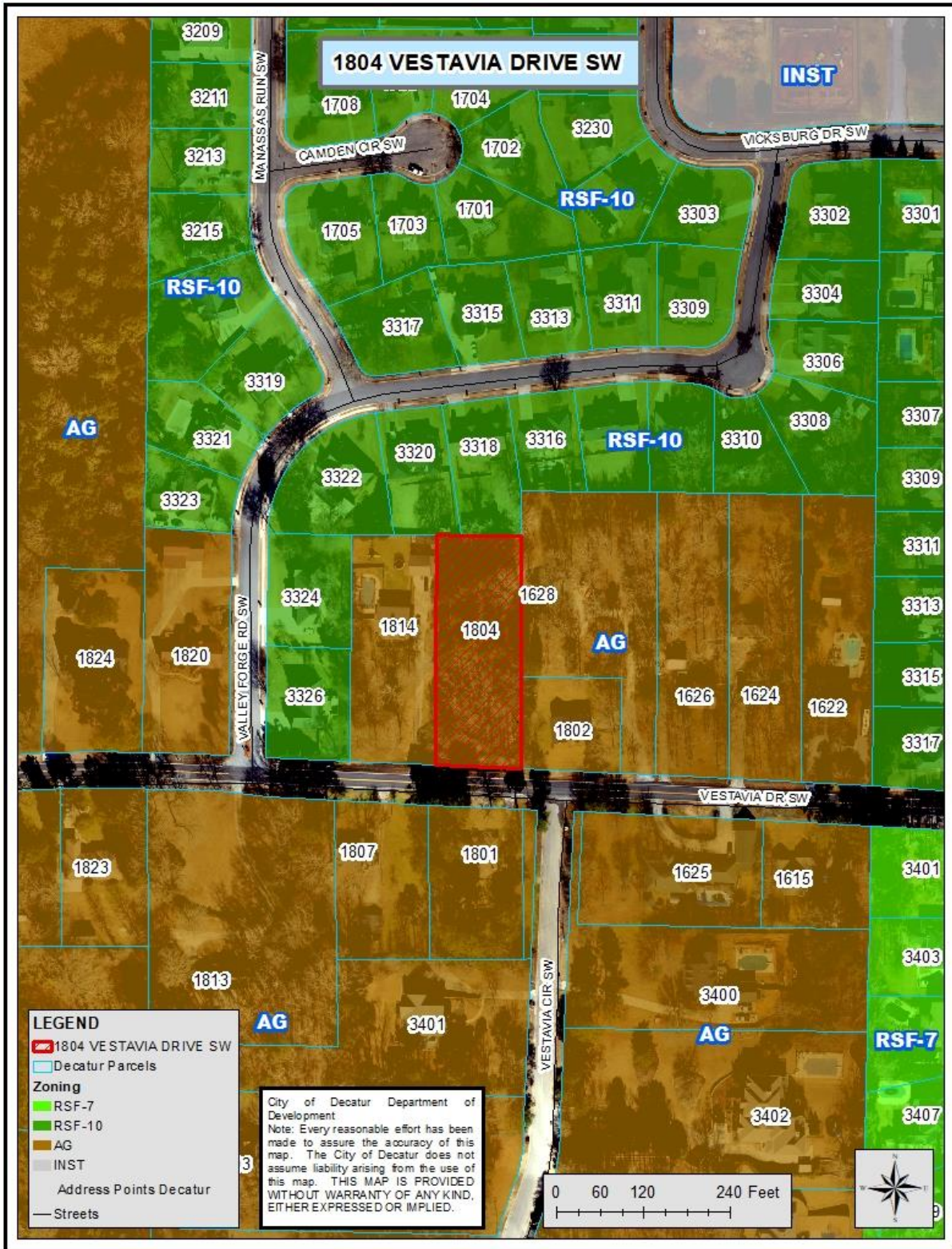


Survey



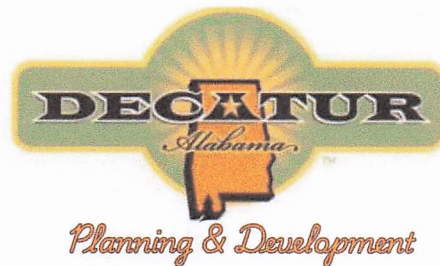
Aerial View





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: 1804 Vestavia Dr. Decatur, Al. 35603

Name of Applicant(s): David & Elizabeth Lupton Phone: 256-606-1147

Address: 2318 Almon Way SW Decatur Al. 35603 Email: david.luptonii@gmail.com

Name of Owner(s): David & Elizabeth Lupton Phone: 256-606-1147

Address: 2318 Almon Way SW Decatur Al. 35603 Email: _____

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

Current Zoning: X Total Acreage: _____ Current Use of 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)? See attached
2. How would the application of the Zoning Ordinance of the City of Decatur to this particular piece of property create an unnecessary hardship? See attached
3. What conditions are peculiar to this particular piece of property? attached (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: 6 / 26 / 2026



Proof of Ownership

*The date of the next available meeting is: 7 / 02 / 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: David Lupton for Elizabeth Lupton Date: 6 / 24 / 2026

STATE OF ALABAMA

COUNTY OF Morgan

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

David Lupton, whose name is signed to the foregoing document, and

Who is known to me, or

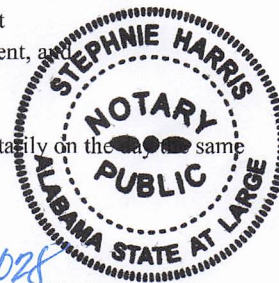
☒ Whose identity I proved on the basis of AL 5006812

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 25 day of June, 2026.

Given under my hand and official seal this the 25 day of June, 2026.

Stephanie Harris, Notary Public

My Commission Expires: March 19, 2028



1. What extraordinary or exceptional conditions affect this property, such as size, shape, or topography? Although the lot's physical topography is typical, the recent municipal zoning change increasing the side setback from 15 feet to 20 feet has created an exceptional condition. Before this change, complete architectural plans were prepared and physical site work was performed in compliance with the former 15-foot setback. The sudden 5-foot increase now invalidates those engineered plans and makes the completed lot preparation unusable, imposing an unfair financial and structural burden on a project begun in good faith under the prior code. In addition, the proposed home includes a side-entry garage, which requires sufficient driveway depth for vehicles to turn and safely enter the garage. Enforcing the new 20-foot setback after the site was prepared for a 15-foot setback restricts the necessary turning radius, creating a significant practical hardship. Without a variance, the side-entry garage would be unsafe or unusable unless the entire site layout were redesigned at substantial cost and with structural consequences.

2. How would the application of the Zoning Ordinance of the City of Decatur to this particular piece of property create an unnecessary hardship? Forcing strict adherence to the setback makes it functionally impossible to safely maneuver vehicles into the garage, rendering the garage useless and creating an unsafe backing environment. This hardship stems directly from the unique interaction between the AG setback dimensions and the buildable footprint of this specific lot. Granting the variance would simply allow for a safe, standard property amenity without altering the character of the neighborhood."

3. What conditions are peculiar to this particular piece of property? Crucially, our lot was the only vacant lot remaining in the immediate area. Every single one of our neighbors has already built their homes under the original 15-foot AG1 guidelines. Applying this new rule selectively to our lot does not protect the character of the neighborhood; instead, it uniquely penalizes us, forcing our home to be misaligned with every existing structure on the street and rendering our side-entry garage non-compliant.

To provide context on our project's continuity, here is our established timeline:

- **August 2025:** Purchased the lot.
- **November 2025:** Began clearing the lot for construction and engaged a septic engineer.
- **December 2025:** Received our official 911 property address, **which explicitly classified the lot as an AG1 address.** That same month, we purchased blueprints for both the shop and the house. To strictly comply with the active 15-foot AG1 side setbacks, we modified the house plans, reducing the width from 80 feet to 75 feet to ensure a safe turning radius for our side-entry garage.
- **January 2026:** Obtained our official septic permit—specifically approved and engineered for a 3-bedroom, 2 ½-bathroom home—and constructed the detached shop first to store the belongings of my father, who recently passed away.
- **June 2026:** Initiated the building permit application for the primary house.

It was only this month, during our June house permit application, that we discovered the city eliminated AG1 zoning at the first of the year, reclassifying our land as AG and increasing the side setbacks from 15 feet to 20 feet.

NEIGHBOR STATEMENT OF NO OBJECTION

I, Bobby Lee (Printed Name), reside at
1814 Vestavia Dr SW 35613 (Address), which is located within 150 feet of
1804 Vestavia Dr SW.

I have reviewed the request for a zoning variance regarding the front/side setbacks for 1804 Vestavia Dr SW. I understand the owners request to utilize the historical **15-foot setback** rather than the newly enacted 20-foot setback.

I have **no objection** to the City of Decatur granting grandfathered status or a zoning variance to allow a 15-foot setback for the development at 1804 Vestavia Dr SW.

Signature: Bobby Lee

Date: 6-23-2026