



CITY OF BOAZ  
Planning Commission Agenda  
April 07, 2022

Boaz Public Library, Mastin Conference Room – 6:00 PM

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance
- IV. Adoption of Agenda
- V. Reading and/or Approval of Minutes of Previous Planning Commission Meeting
  - [1.](#) Adopt the minutes of the Planning Commission Meeting dated Dec 7, 2022.
- VI. Public Hearings
- VII. New Business
  - [1.](#) Approve the zoning of property annexed into the city limits on August 9, 2021 located at 1151 East Henderson Road to R-1 (Low Density Detached Residential District).
- VIII. Old Business
- IX. Public Comments
- X. Chairman Comments
- XI. Adjourn

**CITY OF BOAZ**  
**BOAZ PLANNING COMMISSION MINUTES**  
**Regular Meeting - December 7, 2021**

The Boaz Planning Commission met on December 7, 2021 in the Mastin Conference Room at the Boaz Public Library at its regularly-scheduled meeting which commenced at 6:06 pm.

Members Present: Harold Johnson, Chris Washburn, David Wallace, Paul Hale and Nick Borden.

Members Absent: Randall White, Josh Greer, Chris Alexander, Rodney Frix

In the absence of the Commission Chairman, Building Inspector Nick Borden acted as chair and called the meeting to order.

Building Inspector Nick Borden gave the invocation and led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Commission Member Chris Washburn made the motion, seconded by David Wallace, to approve the December 7, 2021 agenda. Building Inspector Nick Borden asked if there was any discussion and there was none. The motion passed on unanimous voice vote.

**APPROVAL OF MINUTES**

Commission Member Chris Washburn made the motion, seconded by David Wallace, to approve the November 2, 2021, Commission minutes. Building Inspector Nick Borden asked if there was any discussion and there was none. The motion passed on a unanimous voice vote.

**PUBLIC HEARING – PROPERTY OWNED BY WES LONG**

Building Inspector Nick Borden announced that the meeting was the noticed time and place for a proposed public hearing regarding the rezoning request from Wes Long, of Rohogo Management Group, owner of the property located at the southeast intersection of Billy Dyar and Oak Street, to consider a zoning amendment for this property. The property is currently zoned B-2 (Community Commercial) and the owner would like to have it rezoned to R-3 (High Density Single Family Residential) to create a residential townhouse subdivision to be named Southern Oaks. The property consists of 1.76 acres.

A motion was made by Chris Washburn to open the public hearing on the rezoning request which was seconded by Paul Hale. The motion passed on unanimous voice vote.

The hearing being open to the public, Building Inspector Nick Borden asked if there was anyone present to speak “for” or “against” the rezoning. Kenneth Ray Floyd and Barbara Floyd announced they were present and own property down the street from the at-issue property. Mr. and Mrs. Floyd stated neither objection nor support for the rezoning. They asked general questions about the proposed subdivision.

Building Inspector Nick Borden provided an overview of the rezoning request and the proposed development. Mr. Borden discussed the comprehensive plan of the City of Boaz and that this proposed rezoning complied with that comprehensive plan.

There being no other parties requesting to be heard or ask questions, a motion was made by Commission Member Chris Washburn to close the public hearing on the rezoning request which was seconded by

Commission Member David Wallace. The motion passed on unanimous voice vote and the public hearing was closed.

**REZONING PROPERTY OWNED BY SECOND BAPTIST CHURCH**

Commission Member Chris Washburn made the motion, seconded by Commission Member David Wallace, to approve the request of Wes Long of Rohogo Management Group to rezone the property located at the southeast intersection of Billy Dyar and Oak Street from B-2 to R-3. Building Inspector Nick Borden asked if there was any discussion and there was none. The motion passed on a unanimous voice vote.

**CHANGING THE REGULAR MEETING DATE OF THE COMMISSION**

Commission Member Chris Washburn made the motion, seconded by Building Inspector Nick Borden, to change the regularly scheduled commission meeting date to the first Thursday of each month at 6:00 pm. Building Inspector Nick Borden asked if there was any discussion and there was none. The motion passed on a unanimous voice vote.

**ADJOURN**

Building Inspector Nick Borden made the motion, seconded by Commission Member Paul Hale, to adjourn the meeting at 6:23 pm. The motion passed on a unanimous voice vote.

Minutes prepared by City Attorney Christie Knowles

# APPLICATION FOR ZONING AMENDMENT

Case No. \_\_\_\_\_  
Date \_\_\_\_\_

## STATE OF ALABAMA COUNTY OF MARSHALL

This is to certify that I (we) the undersigned owner(s) do hereby request the Boaz Planning Commission to consider a zoning amendment for the property identified below:

1.) Description of property for which amendment is requested:

- a.) Address: 1151 East Henderson Road
- b.) Name of Subdivision plat AD Allen First Addition
- c.) Lot and Block numbers involved in change: Lot 5
- d.) Total acreage of change: .30 Acre
- e.) Recorded in Plat Book Number: 4/6677 Page Number: 166
- f.) Owned in whole by the undersigned? Dan & Sheila Smith
- g.) If owned in part, name(s) of co-owner(s): \_\_\_\_\_

2. Zoning change requested:

- a.) Present classification of property Not Zoned recently annexed Aug 9th 2021
- b.) Reclassification desired: R-1
- c.) Character of neighborhood: Residential

3. a.) Reasons for requesting change and use to which property will be put:

To be zoned, due to annexation  
approved Aug 9th 2021

4. The following attachments **must** accompany the request for consideration of a zoning amendment:
- a.) One copy of a list of the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property to be rezoned.
  - b.) One copy of a map or plat, drawn to scale, showing the existing and proposed zoning re-classification and other pertinent information.
  - c.) One copy of the legal description of the property to be rezoned.
  - d.) Fifty dollars (\$50.00) filing fee.

5. Certifications:

a.) Applicant Name Dan and Sheila Smith  
 Address: 239 Bream Lane, Boaz AL 35957

Telephone: \_\_\_\_\_

b.) Date: 3/10/22

6. Signatures: Building official  
[Signature]

Fee Paid: No cost

Date Filed: 3/10/22 internal

Hearing Dates: Planning Commission April 7th 2022 City Council: \_\_\_\_\_

Decision of Planning Commission: \_\_\_\_\_ City Council: \_\_\_\_\_





# City of Boaz Alabama

David Dyar  
Mayor

COUNCIL  
David Ellis  
Josh Greer  
Johnny Willis  
Jeff Sims  
Mike Mathews

Nick Borden  
Building & Zoning Official

## PUBLIC NOTICE FEBRUARY 10, 2022

The City of Boaz Planning Commission is required, according to Ordinance # 2002-770, to conduct a Public Hearing after the annexation of real property and submit to the City Council of the City of Boaz, a recommendation that the area annexed or portion thereof, remained zoned in accordance within its current use as determined at the time of annexation or be changed to a different zoning use district.

The Boaz Planning Commission will hold a public hearing in the Boaz Public Library in the Mastin Room on April 7, 2022 at 6:00 PM to determine the zoning recommendation for the property annexed into the City on August 9, 2021 and located at 1151 East Henderson Road. The property is owned by Dan and Sheila Smith. All adjoining property is zoned R-1 (low density detached residential district).

A description of the property is as follows:

Lot 5 of the A.D. Allen First Addition according to the survey and plat thereof as the same appears of record in Plat Book 6 Page 46 in the Probate Office of Marshall County, Alabama, situated in Marshall County, Alabama. (B-3721;5)

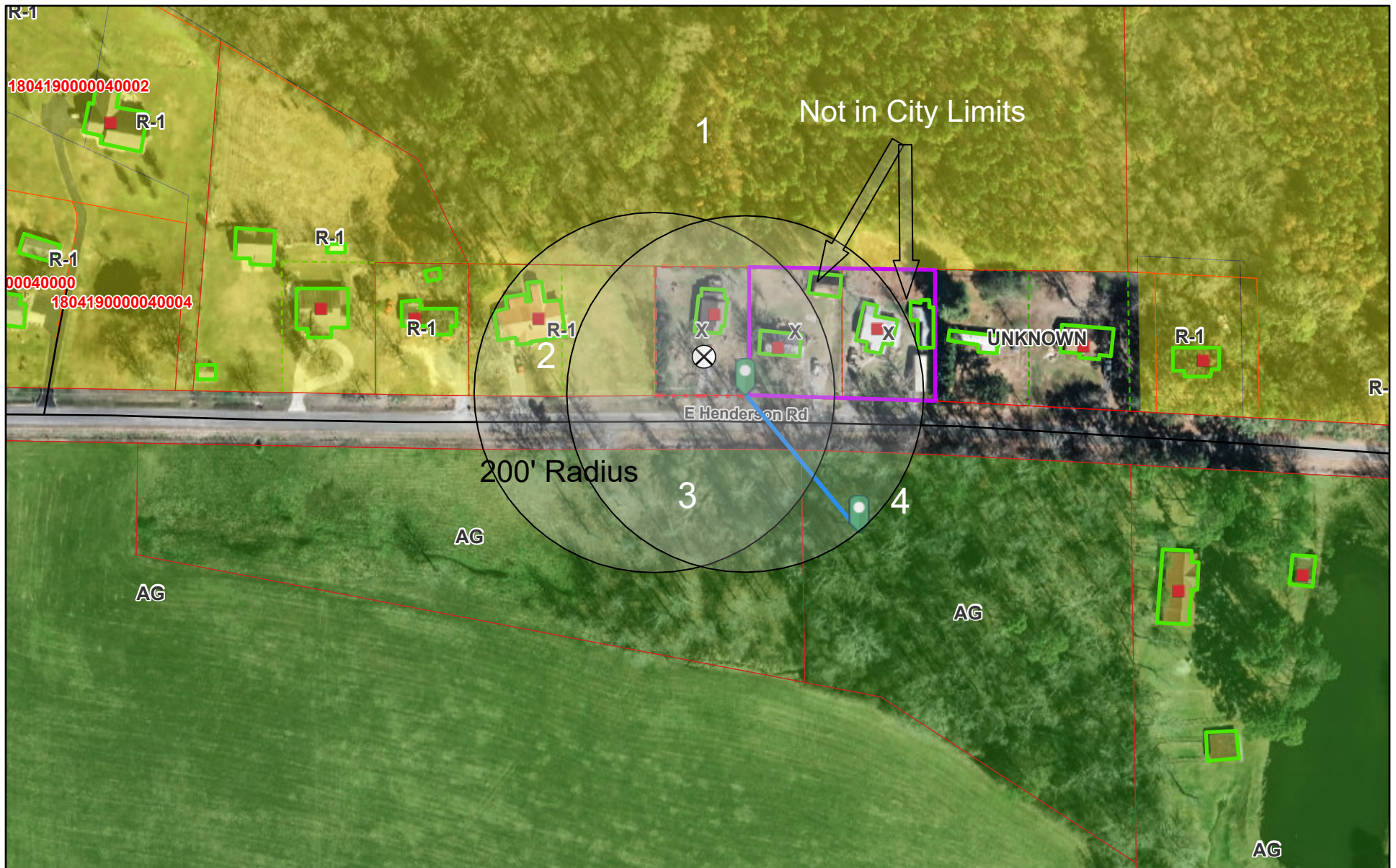
At said time and place, all persons in favor of or in opposition to said zoning can be heard.

Boaz Planning Commission



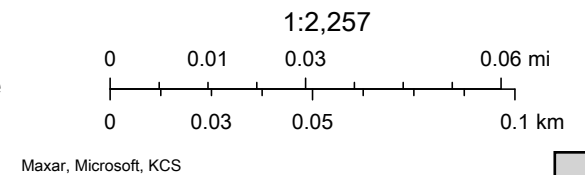
# 1151 E. Henderson Adjoining Property Owners

Item 1.



3/10/2022, 11:10:43 AM

- Addresses (Boaz)
- Streets (Boaz)
- Buildings
- City Limits
- Zoning
- R-1
- AG
- Marshall County - Parcels
- Marshall County - Lot\_Line
- Marshall County - City Limits Line
- City



Maxar, Microsoft, KCS

Web AppBuilder for ArcGIS  
Maxar, Microsoft | KCS | KCS, G-Squared |

ADJOINING PROPERTY OWNERS

Dan and Sheila Smith (Zoning)

1151 E. Henderson Road

BOAZ, ALABAMA 35957

**Property Owner Mailing Address:**

SMITH, DAN & SHEILA

239 BREAM LANE

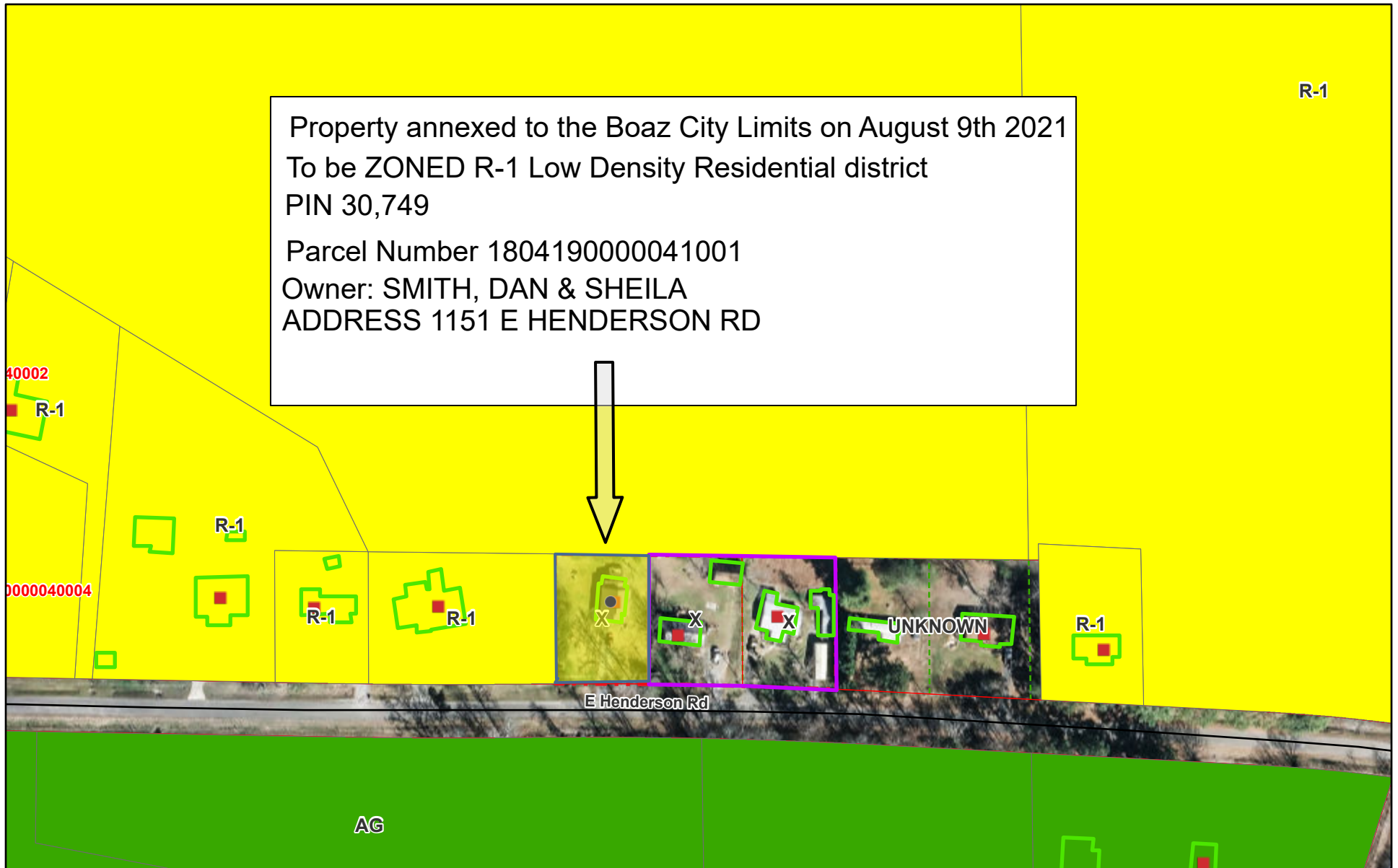
BOAZ, AL 35957

1. ABERCROMBIE, JOSEPH P & SHERRY L  
1605 MARTIN ROAD  
BOAZ, AL 35957
2. JWM II LLC  
P O BOX 20106  
TUSCALOOSA, AL 35402
3. CLEMONS, STANLEY B & KERRY S  
2208 MCVILLE ROAD  
BOAZ, AL 35957
4. BERRY, CHRISTOPHER & MEGAN BROOKS  
1258 EAST HENDERSON ROAD  
BOAZ, AL 35957



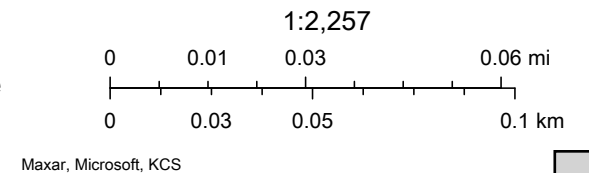
# 1151 E. Henderson Road

Item 1.



3/10/2022, 10:59:55 AM

- Addresses (Boaz)
- City Limits
- AG
- Streets (Boaz)
- Zoning
- Marshall County - Parcels
- Buildings
- R-1
- Marshall County - Lot\_Line
- Marshall County - City Limits Line
- City



### §3-01 R-1 LOW DENSITY DETACHED RESIDENTIAL DISTRICT

The purpose of the R-1 District is to protect existing single-family residential areas and enable development of additional low density residential areas. The district regulations are designed to protect essential single-family amenities of the district, to promote a suitable environment for family life and accommodate other uses customary to low-density single-family neighborhoods.

TABLE 3-2: AREA AND DIMENSIONAL REQUIREMENTS, RESIDENTIAL DISTRICTS									
	Minimum Yards (ft)				Min. Lot Area (sf) or Max. Density (du/ac)	Min. Lot Width (ft)	Max. Height	Maximum Lot Coverage (structures)	Minimum Living Area (sf)
	Front		Rear	Side					
	Primary	Secondary							
R-1	40	30	40	10	15,000 sf	100	35 ft	25%	1,200
R-2	35	25	35	10	10,000 sf	75	35 ft	30%	1,000
R-3 and R-4									
Single-family detached	25	20	20	8/0 <sup>1</sup>	9,000 sf	45	35 ft	50%	900
Single-family attached	20	15	20	0 <sup>2</sup>	10 du/ac	20	35 ft	60%	900
Duplex, Triplex, Quadplex	25	20	20	8	6,000 sf <sup>3</sup>	60	35 ft	50%	n/a
Nonresidential Uses	25	20	35	10	n/a	60	35 ft	50%	n/a
Multifamily (R-4 only)	25	20	35	8	18 du/ac	100	4 stories	60%	n/a
R-6	See §3-05 R-6 Manufactured Housing District								
1. Single-family dwellings must be set back at least eight feet from one side lot line and may extend to the other side lot line. An easement must be provided on the zero lot line for maintenance access to the dwelling on the adjoining lot. Dwellings must be separated from structures on adjoining lots, or otherwise designed, for fire separation purposes in accordance with Building and Fire Codes.									
2. Building groups must be separated by at least 20 ft.									
3. 6,000 sf for the first dwelling unit plus 1,500 sf per additional unit.									

City of Boaz Zoning Ordinance

TABLE 3-1: USES PERMITTED IN RESIDENTIAL DISTRICTS				
	R-1	R-2	R-3	R-4
Residential Uses				
Accessory Dwellings, subject to <a href="#">§6-01</a>	SE	SE	SE	
Accessory Uses, Residential	P	P	P	P
Barndominium and Red Iron Buildings, subject to <a href="#">§3.01.01</a>	P			
Caretaker Dwelling, for Institutional Use	SE	SE	SE	SE
Duplex			P	P
Multifamily Dwelling, more than 4 units per building				P
Quadplex			SE	P
Single-family, attached, subject to <a href="#">§6-05</a>			P	P
Single-family, conservation subdivision, subject to <a href="#">§6-09</a>	P	P	P	P
Single-family, cottage development, subject to <a href="#">§6-10</a>			P	P
Single-family, detached	P	P	P	P
Triplex			SE	P
RV Park	C	C	C	C

Child Care Facilities				
Child or Adult Day Care Center		SE	SE	SE
Child Day Care Group Home		SE	SE	SE
Child Day Care Home	P	P	P	P
Residential Care Facilities				
Assisted Living Facility			C	P
Emergency Care Home				SE
Family Care Home				P
Independent Living Facility				P
Nursing Care Facility			C	C
Transitional Care Home				SE
Other Nonresidential Uses				
Amateur Radio Tower, as an accessory use, subject to <a href="#">§6-04</a>	P	P	P	
Bed and Breakfast, subject to <a href="#">§6-07</a>	SE	SE	SE	
Boarding House, subject to <a href="#">§6-08</a>				SE
Cemetery	C	C	C	C
Golf Course	C	C	C	C
Home occupation, subject to <a href="#">§6-11</a>	P	P	SE	SE
Institutional Use, Low intensity	P	P	P	P
Institutional Use, Medium intensity	C	C	C	C
Keeping of Chickens and Honeybees, subject to <a href="#">§6-13</a>	P	P		
Parks, Playgrounds and Nature Preserves	P	P	P	P
Public Buildings	C	C	C	C
Public Utility Facility, Major	C	C	C	C
Public Utility Facility, Minor	SE	SE	SE	SE
Recreation Facility, Public	C	C	C	C
Residential (Country) Club	C	C	C	C
Short-term rental, subject to <a href="#">§6-15</a>		P	P	
Small Cell Facilities	SE	SE	SE	P
P - The use is permitted by right A blank cell indicates the use is prohibited SE - Special Exception Use, requires approval by the Board of Adjustment per <a href="#">§12-05</a> C - Conditional use, requires approval by the Planning Commission per <a href="#">§11-03</a>				