



CITY OF BOAZ

ZBA Agenda

December 05, 2023

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 Zoning Board of Adjustments Meeting dated July 14, 2020.
- VI. Public Hearings
 1. Entertain a motion to open a public hearing concerning a request from Shannon Mashburn. Mr. Mashburn is seeking a variance from the 40' secondary front set back requirement for the construction of a home located at 1840 Floyd Drive Boaz, AL 35957. The property is located in AG (Agricultural District). AG District requires set back distances on double frontage corner lots as following: Front 40', Secondary Front 40', Rear 45' and Side 10'. Mr. Mashburn is seeking a 10' variance from the secondary front yard set back of the required 40' along Floyd Drive. Mr. Mashburn is asking that the 40' requirement be reduced to 30'.
- VII. New Business
 1. Entertain a motion to approve a variance request from Shannon Mashburn. Mr. Mashburn is seeking a variance from the 40' secondary front set back requirement for the construction of a home located at 1840 Floyd Drive Boaz, AL 35957. The property is located in AG (Agricultural District). AG District requires set back distances on double frontage corner lots as following: Front 40', Secondary Front 40', Rear 45' and Side 10'. Mr. Mashburn is seeking a 10' variance from the secondary front yard set back of the required 40' along Floyd Drive. Mr. Mashburn is asking that the 40' requirement be reduced to 30'.
- VIII. Old Business
- IX. Public Comments
- X. Chairman Comments
 1. Due to the recent vacancy of Chairperson we will be selecting a Chairperson for the Zoning Board of Adjustments at the next meeting. So please be considering if you would like to serve as Chairperson or who you would like to nominate for that position.
- XI. Adjourn

CITY OF BOAZ
Boaz Zoning Board of Adjustments Meeting
July 14, 2020

The Boaz Zoning Board of Adjustments met on July 14, 2020 in the Mastin Room at the Boaz Public Library at 5:30 pm.

Members Present: Rodney Frix, Frank Scott, Keith Gaither, and Keith Johnson.
Members Absent: James Watts and Bert Dodd

Chairman Frix called the meeting to order.

Chairman Frix gave the invocation.

Board Member Gaither led the Pledge of Allegiance.

APPROVAL OF MINUTES

Board Member Gaither made the motion, seconded by Board Member Scott, to adopt the minutes from the meetings dated March 3, 2020 and July 7, 2020. The motion passed on a voice vote.

NEW BUSINESS

1. Chairman Frix read the meeting notice and went over the application from Bradley Walls who is seeking a special exception for approval to operate a gunsmith business at his property located at 948 Skyhaven Drive. Mr. Walls has an operating machine shop at his residence where he currently does this as a hobby. He would like to get his federal firearms license and he is required to obtain a city business license to do so. This will allow him to build relationships in the industry, receive special pricing, make electronic transfers and be a gunsmith for others beside himself. Getting approval for this would allow Mr. Walls to learn more about the business side, and possibly open a profitable business somewhere in town in the future. This property is zoned R-1 (Low Density Detached Residential District).

Board Member Johnson made the motion, seconded by Board Member Gaither, to approve the special exception. Chairman Frix asked if there was any discussion. The motion passed on a voice vote.

2. Chairman Frix read the meeting notice and went over the application from Sand Mountain Cowboy Church, Inc. seeking a special exception to build a new church building on the property located at 844 McVille Road. The property is Zoned R-1 (Low Density Detached Residential District).

Board Member Gaither made the motion, seconded by Board Member Johnson, to approve the special exception for Sand Mountain Cowboy Church, Inc. to build a new church on the property located at 844 McVille Road. Chairman Frix asked if there was any discussion. The motion passed on a voice vote.

3. Chairman Frix read the meeting notice and went over the application from David Escorcia requesting a variance on the rear yard setback line of his property located at 51 Roberson Road. The property is zoned R-1 (Low Density Detached Residential District). Mr. Escorcia is planning to build an addition to the rear of his house and the addition would be built at 33.98' from the rear lot line. Current zoning requires 40' from the line. He is asking for a variance of a 32' rear setback line. This would be an 8' variance from the original 40' requirement.

Board Member Scott made the motion, seconded by Board Member Gaither, to approve the variance for a 32' rear setback line. Chairman Frix asked if there was any discussion. The motion passed on a voice vote

Board Member Scott made the motion, seconded by Board Member Johnson, to adjourn the meeting at 5:38 pm.

Rodney Frix, Chairman

Minutes by City Clerk/Treasurer Jill Bright, MMC



City of Boaz Alabama

David Dyar
Mayor

COUNCIL
DAVID ELLIS
JOSH GREER
JOHNNY WILLIS
MATT BRANNON
MIKE MATTHEWS

Item 1.

PUBLIC NOTICE **November 15, 2023**

The City of Boaz Zoning Board of Adjustments will hold a public hearing on Tuesday, December 5, 2023 at 6:00 P.M. in the Mastin Room at the Boaz Public Library. The purpose of the public hearing will be to hear a variance request from Shannon Mashburn. Mr. Mashburn is seeking a variance from the 45' rear set back requirement for the construction of a home located at 1840 Floyd Drive Boaz, AL 35957. The property is located in AG (Agricultural District). AG District requires set back distances as follows: Front 40', Secondary Front 30', Rear 45' and Side 10'. Actual dimensions of variance will be determined upon receipt of survey.

A legal description of the property is as follows:

A part of the Northwest Quarter of Section 20, Township 9 South, Range 5 East of the Huntsville Meridian, Marshall County, Alabama, more particularly described as beginning at a point on the Southern margin of Floyd Drive that is South 89 degrees 28 minutes 28 seconds East 1181.50 feet and South 02 degrees 33 minutes 40 seconds East 15.40 feet from the Northwest corner of said Section 20; then from the Point of Beginning and along the Southern margin of Floyd Drive North 86 degrees 31 minutes 56 seconds East a distance of 137.99 feet to the point of intersection of said margin with the Western margin of Basil Lane; then along said Western margin South 16 degrees 49 minutes 09 seconds East a distance of 112.71 feet to a point; then leaving said margin South 86 degrees 31 minutes 56 seconds West a distance of 165.75 feet to a point; thence North 02 degrees 33 minutes 40 seconds West a distance of 109.68 feet to the Point of Beginning. [Property commonly known as: 1840 Floyd Drive, Boaz, Alabama.]

For reference: Book 5931, page 253.

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

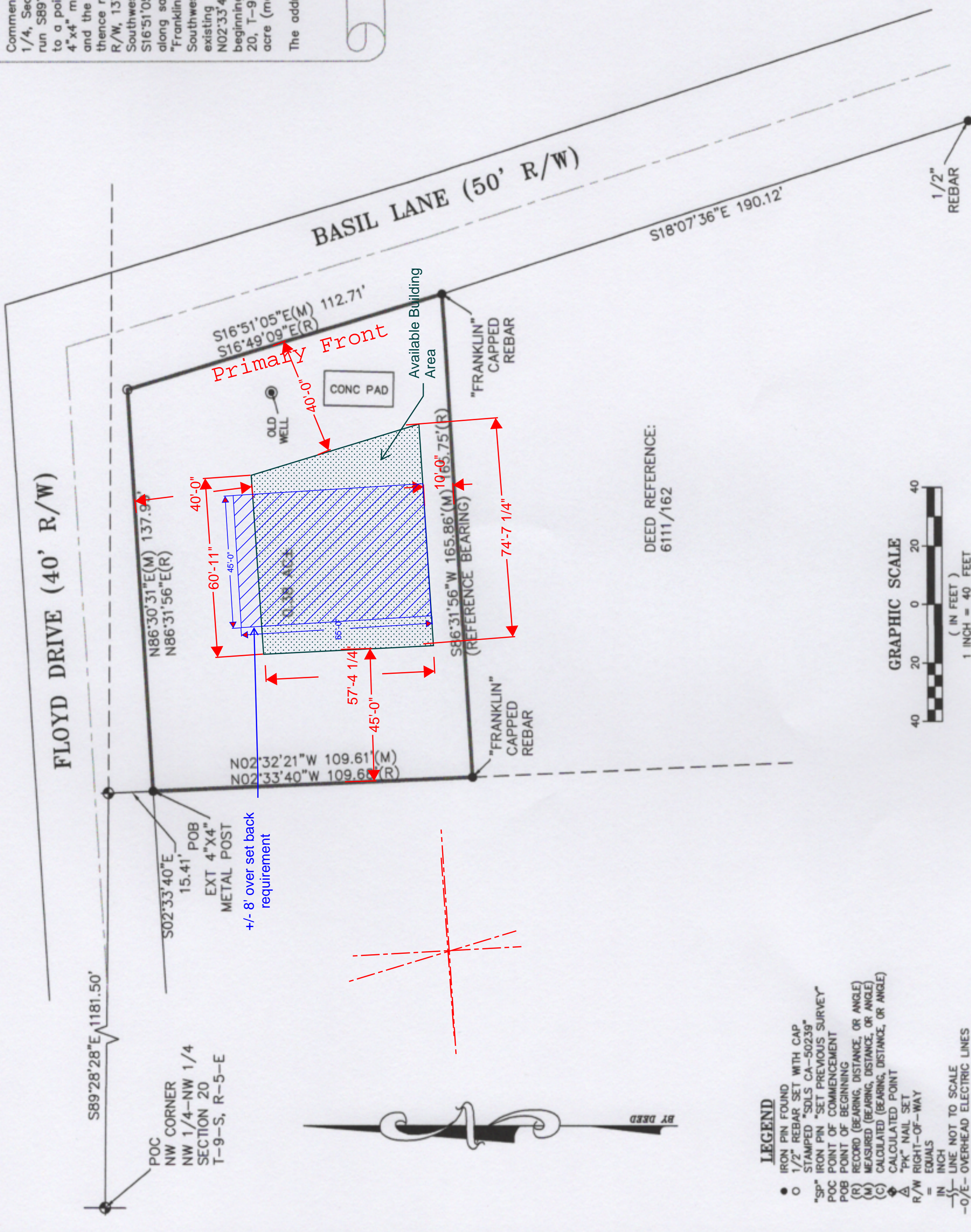
Boaz Zoning Board of Adjustments

Front of Home Facing Basil

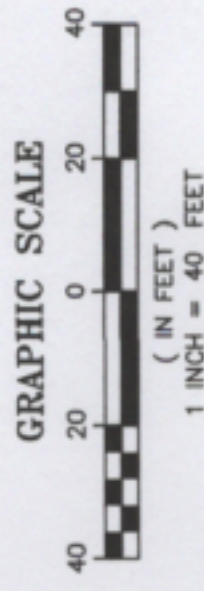
STATE OF ALABAMA
COUNTY OF MARSHALL
LEGAL DESCRIPTION

Commence at the Northwest corner of the NW 1/4 of the NW 1/4, Section 20, T-9-S, R-5-E of the Huntsville Meridian and run S89°28'28"E, along the North line of said 1/4, 1181.50 feet to a point; thence run S02°33'40"E, 15.41 feet to an existing 4"x4" metal post on the Southerly R/W of Floyd Drive (40' R/W) and the point of beginning of the property described herein; thence run N86°30'31"E (M) N86°31'56"E (R), along said Southerly R/W, 137.99 feet to a point at the intersection with the Southwesterly R/W of Basil Lane (40' R/W); thence run S16°51'05"E (M) S16°49'09"E (R), leaving said Southerly R/W and along said Southwesterly R/W, 112.71 feet to an existing "Franklin" capped rebar; thence run S86°31'56"W, leaving said Southwesterly R/W, 165.86 feet (M) 165.75 feet (R) to an existing "Franklin" capped rebar; thence run N02°32'21"W (M) N02°33'40"W (R), 109.61 feet (M) 109.68 feet (R) to the point of beginning. Said property being a portion of the NW 1/4, Section 20, T-9-S, R-5-E, Marshall County, Alabama and contains 0.38 acre (more or less).

The address being 1840 Floyd Drive, Boaz, Alabama, 35957.



DEED REFERENCE:
6111/162



- LEGEND**
- IRON PIN FOUND
 - 1/2" REBAR SET WITH CAP
 - STAMPED "SOLS CA-50239"
 - "SP" IRON PIN "SET PREVIOUS SURVEY"
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - (R) RECORD (BEARING, DISTANCE, OR ANGLE)
 - (M) MEASURED (BEARING, DISTANCE, OR ANGLE)
 - (C) CALCULATED (BEARING, DISTANCE, OR ANGLE)
 - ◆ CALCULATED POINT
 - ▲ "PK" NAIL SET
 - R/W RIGHT-OF-WAY
 - = EQUALS
 - IN INCH
 - LINE NOT TO SCALE
 - O/E- OVERHEAD ELECTRIC LINES
 - ☉ POWER POLE
 - ☼ SECURITY LIGHT

I, Phillip S. Dowdy, a Registered Land Surveyor in the State of Alabama, hereby report that the foregoing map or plot is true and correct as shown and has been completed in accordance with the requirements of the Standards for the Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

According to my survey this the 6 Day of NOVEMBER, 2023.



Phillip S. Dowdy
PHILLIP S. DOWDY AL. REG. #50356

BOUNDARY SURVEY
FOR SHANNON MASHBURN

SCOTT DOWDY LAND SURVEYING
2420 POSEY ROAD, HOKES BLUFF, ALABAMA 35903
PHONE: (256) 490-0956
EMAIL: SCOTTDOWDY11@YAHOO.COM

FILE NAME: 1123020.dwg | SCALE: 1" = 40'
DISKETTE # | HD | FIELD BY: CSD | DATE: 11/6/23 | CHECKED BY: PSD | DRAWN BY: PSD

ADJOINING PROPERTY
OWNERS

Shannon Mashburn
Variance-1840 Floyd Drive

Shannon Mashburn
903 Janet St.
Albertville, AL 35951

BRIAN KEITH THOMAS AND TIDWELL,
KIMBERLY
2267 COUNTY ROAD #111
ALBERTVILLE, AL 35951

COMPTON, KERRI BROOK
365 BASIL LANE
BOAZ, AL 35957

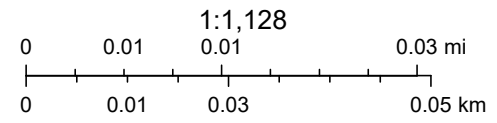
FRANTZ, WILLIAM R & HARRIET
300 BASIL LN
BOAZ, AL 35957

Mashburn Variance Adjoining Property Owners

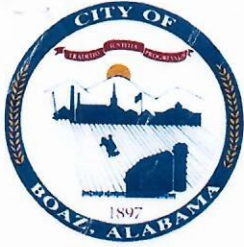


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- Addresses (Boaz)
- ▭ Buildings
- ▭ Marshall County - Parcels
- Streets (Boaz)
- ▭ City Limits



Maxar, Microsoft, KCS



CITY OF BOAZ

112 NORTH BROAD STREET

BOAZ, ALABAMA 35957

BUILDING@CITYOFBOAZ.ORG

Application / Case
No.

VARIANCE APPLICATION

The applicant shall submit a complete application, including supplemental information and a non-refundable application fee of \$50.00, to the City of Boaz, at least (21) twenty-one days prior to the meeting at which the Board is to hear the Variance request.

If the applicant is not the owner of the subject property, the owner of the property shall stipulate in a letter to the Board, that this applicant is so authorized.

The property owner and adjacent property owners will be notified by mail at least (10) ten days prior to the hearing. A public notice of the hearing will be posted in four conspicuous places in the city of Boaz (15) fifteen days prior to the hearing

OWNER / APPLICANT INFORMATION

Applicant(s): Shannon Mashburn
Address: 903 Janet St
Albertville AL 35951
Phone Numbers: 256 502 3377
mom 256-6737395

Property Owner(s): Shannon Mashburn
Address: 1840 Floyd Dr.
Boaz AL
Phone Numbers: 256 502 3377

SUBJECT PROPERTY INFORMATION

Address: 1840 Floyd Dr Boaz AL
Lot: _____ Block: _____ Subdivision Name: _____
Zoning District: _____

EACH SPECIAL EXCEPTION APPLICATION SHALL BE ACCOMPANIED BY:

1. A non-refundable application fee of \$50.00.
2. A vicinity map showing location of the site in relation to the surrounding area and zoning of the site and adjacent property.
3. A legal description of the property.
4. A site plan drawn to scale, showing: the location, use and dimensions of all existing and proposed structures, points of ingress and egress to the property, all public and private roads, off-street parking and loading areas, buffers and landscaped areas, and signs.
5. Any supplemental information which will assist the Board in reviewing the Special Exception request.

Applicant Name (please print): Shannon Mashburn

Date: 11-8-23

Applicant signature: [Signature]

Received By: _____

Date: _____



CITY OF BOAZ

112 NORTH BROAD STREET

BOAZ, ALABAMA 35957

BUILDING@CITYOFBOAZ.ORG

VARIANCE APPLICATION

Explanation of Special Exception Request:

Purchased Property To Build a small home.
 According to City Inspector we need to have more
 space from back of property to achieve this.
 We were told 40 ft from side of Floyd + 30 ft
 from front of Basil Lane. After purchasing
 & paying for survey we are now told 40 ft from back.
 After speaking to other builders they have all said
 10 ft from line to other property owner must be 10 ft
 which would be a total of 20 not 40.
 I just want to build a small home in a nice
 location.

Applicant Name (please print):

Shannon McWhorter

Date: 11.8.23

Applicant signature:

****APPLICATION WITHDRAWAL****

Signature of Owner / Applicant _____

Date _____

OFFICIAL USE ONLY

Date Filed : _____ Date of Public Notice: _____ Date of ZBA Hearing: _____

Fee Paid: \$ _____ Receipt No.: _____ Date Paid: _____

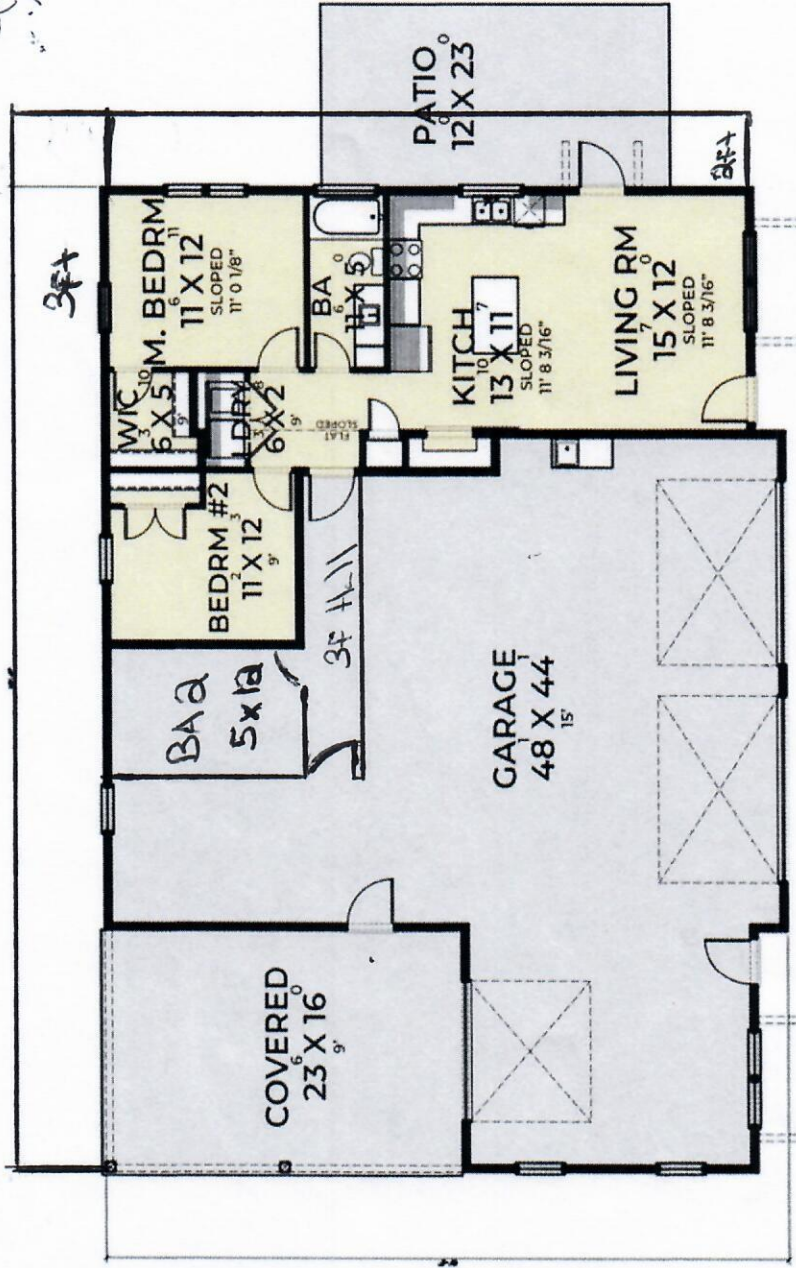
Decision of Zoning Board of Adjustment, Approved / Denied Date: _____

List of conditions of Approval or Denial: _____

2nd floor
88 sq ft

Variance

88 sq ft



MAIN FLOOR PLAN

45

65

BA 2 = 60 sq ft
 Hall = 48 sq ft
 Add Living = 99 sq ft
 Add Bath = 82 sq ft

Org. 924 sq ft

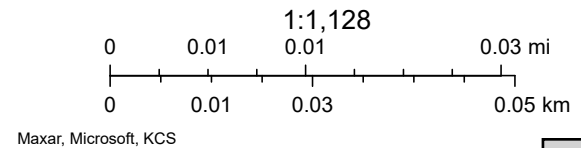
Revised: 12/13

Mashburn Zoning Map



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- Addresses (Boaz)
- Streets (Boaz)
- Buildings
- City Limits
- Zoning
- AG
- Marshall County - Parcels



ARTICLE 5 Special Districts

§5-01 AG AGRICULTURAL DISTRICT

The purpose of the AG District is to provide a zoning classification for land which is not expected to experience urbanization in the immediate future. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted.

§5.01.01 Permitted Uses

1. Detached single-family dwellings, including Barndominiums and Red Iron Buildings
2. Agricultural uses including the raising of crops, livestock and poultry
3. Low-intensity institutional uses
4. Home occupation, subject to [§6-11](#)
5. Cemeteries
6. Kennels
7. Parks, playgrounds
8. Plant nursery

§5.01.02 Conditional Uses

1. Campgrounds
2. Golf courses and country clubs
3. Medium and high-intensity institutional uses
4. Farm support business
5. Public facility
6. Nursing care facility
7. Public utility facility, Major
8. Event and Wedding Venues

§5.01.03 Special Exceptions

1. Public utility facility, Minor
2. Group Care Facility

§5.01.04 Development Standards

1. Refer to Table 5-1 for area and dimensional requirements. Agricultural structures not intended for human occupancy are exempt from the height requirement in Table 5-1.
2. Single and Double-wide manufactured homes are permitted as single-family dwellings provided the lot area is at least five acres. Manufactured homes must have been manufactured within ten years of proposed installation and must be inspected, as required in the R-6 District, before a Certificate of Occupancy may be issued.
3. The keeping of livestock is permitted only on lots of at least two acres and is limited to one animal equivalent unit per net acre, in accordance with Table 5-2. Net acreage for keeping and raising of livestock and poultry is limited as follows:
 - a. Structures or fenced areas for the housing or feeding of animals or for the storage of manure must be set back at least 25 ft from any residential district boundary or property line of a lot used exclusively for residential purposes. Fence enclosures adjoining an agricultural district are not required to be set back from the property line.

- b. No livestock or poultry may be kept forward of the front building line on properties with a front yard less than 75 ft deep and that adjoin a residential property nor on any properties of two acre or less in area.
- 4. Concentrated animal feeding operations, as defined by the EPA, and indoor grower confinement operations are prohibited.

TABLE 5-1: AREA AND DIMENSIONAL REQUIREMENTS, AGRICULTURAL DISTRICT						
Minimum Yards (ft)			Min. Lot Area	Min. Lot Width	Max. Height	Maximum Lot Coverage (structures)
Front	Rear	Side				
40	45	15	5 acres	150 ft	35 ft	25%

TABLE 5-2 ANIMAL EQUIVALENT UNITS			
Cattle over 2 yrs. old	1.0	Horses, mules and donkeys over 2 yrs. old	1.25
Cattle 6-12 mos. old	0.5	Horses, mules and donkeys up to 2 yrs. old	0.8
Cattle 12-24 mos. old	0.75	Sheep and goats over 2 yrs. old	0.2
Turkeys, ducks and chickens	0.02	Sheep and goats up to 2 yrs. old	0.15

§5-02 MC MEDICAL CENTER DISTRICT

The purpose of the MC District is to provide for the orderly and efficient development of this District for medical and related uses.

§5.02.01 Permitted Uses

- 1. Businesses concerned primarily with the sale or servicing of hospital and medical equipment and supplies including, but not limited to, artificial limbs, hospital beds, wheelchairs, and other similar and related businesses
- 2. Florists, gift and card shops
- 3. Hospitals
- 4. Nursing care facilities
- 5. Medical and dental clinics
- 6. Pharmacies
- 7. Professional buildings primarily used by physicians, surgeons, optometrists, dentists and other members of the medical profession
- 8. Medical research laboratories
- 9. X-ray laboratories

§5.02.02 Conditional Uses: Places of residence for nurses and interns

§5.02.03 Special Exceptions: Helipad

§5.02.04 Development Standards. Refer to Table 5-3 for area and dimensional requirements.

TABLE 5-3: AREA AND DIMENSIONAL REQUIREMENTS, MC DISTRICT						
Minimum Yards (ft)			Min. Lot Area	Min. Lot Width	Max. Height	Maximum Lot Coverage (structures)
Front	Rear	Side				
20	20	0	n/a	n/a	45 ft	60%