

# Board of Adjustment Agenda

April 19, 2018 – 5:00 pm

Council Auditorium

City Hall, 103 N. Perry St.

## **BOARD OF ADJUSTMENT MEMBERS**

John Stanley, *Chairman*

K. T. Brown, *Vice-Chairman*

Beau Holmes

George C. Howell, Jr.

Steve Hughes

Bart Prince

Pickett Reese

Jennifer Shaw

Nathan Williams

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**Planning Controls Division  
25 Washington Ave., 4<sup>th</sup> Floor  
Montgomery, AL 36104  
(334)625-2722**

**I. Chairman's Message**

**II. Approval of Minutes from the March 15, 2018 meeting**

**April 19, 2018**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2018-020	Rosemann & Associates, P.C.	AGR-1	Vaughn Road (Assisted/Independent Living Community)	1
2.	2018-018	Kyle Kyser, Jr.	T4-R	572 South McDonough Street (Signage - Exception to SmartCode)	2
3.	2018-015	Scott Services	O-1	2560 Bell Road (ID Sign – variances)	3
4.	2018-014	Thomas & Kristy Eubanks	R-60-s	3233 Audubon Road (Addition to dwelling)	4
5.	2018-021	Debra S. Caldwell	M-1	1124 Adams Avenue (Youth center)	5
6.	2018-013	Eddie & Marie Barnes	AGR-1	3317 Rabbit Road (Mobile home)	6
7.	2018-019	LaDonna Brown	B-2	2844 Zelda Road (Private school)	7
8.	2018-017	Tri-County Screen Enclosures	R-85	1060 Whitehall Parkway (Addition to dwelling)	8
9.	2018-016	Keith & Vanessa Hall	R-75-s	3134 South Hull Street (Accessory structures)	9
10.	2018-022	Sammy Stroh	R-100	1539 Meriwether Circle (Accessory Structure)	10
11.	1982-006	Raymond Burt	M-1	905 North Decatur Street (Addition to building)	11
12.	2018-023	Carlton Moore	R-60-s	436 Polk Street (Privacy fence)	12
13.	1995-103	Pilgreen Engineering	R-65-s	87 Fleetwood Drive (Accessory structure)	13

*The next Board of Adjustment meeting is on May 17, 2018*

1. BD-2018-020 **PRESENTED BY:** Rosemann & Associates, P.C.

**REPRESENTING:** Legendary Living, USA LLC

**SUBJECT:** Request a special exception for an assisted/independent living community to be located on the south side of Vaughn Road, approximately 125 ft. west of Deer Creek Boulevard, in an AGR-1 (Residential Agriculture) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 223 unit assisted/independent living community on 18.6 acres. There is one (1) divided access drive to Vaughn Road and an emergency access drive to the adjoining property (church property).

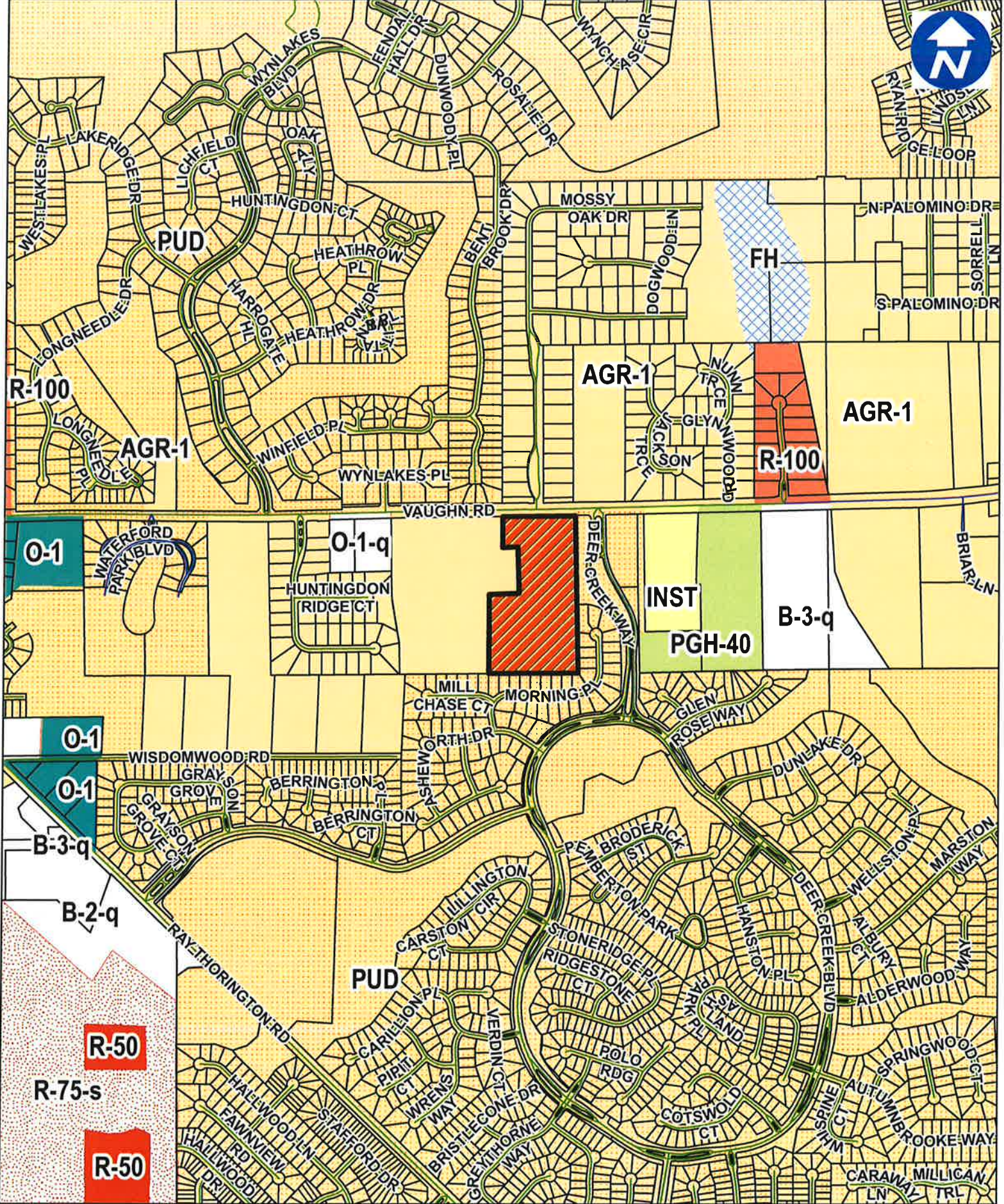
The units are as follow:

- Independent living villas (one story) – 45 units
- Independent living villas (two story) – 20 units
- Independent living three story building – 78 units
- TOTAL – 143 units**
  
- Assisted living (two story building) – 40 units
- Memory care (one story building) – 20 units
- Assisted living (option over memory care) – 20 units
- Assisted/Memory care total number of units 80
- TOTAL – 80 units**

**COUNCIL DISTRICT: 8**

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



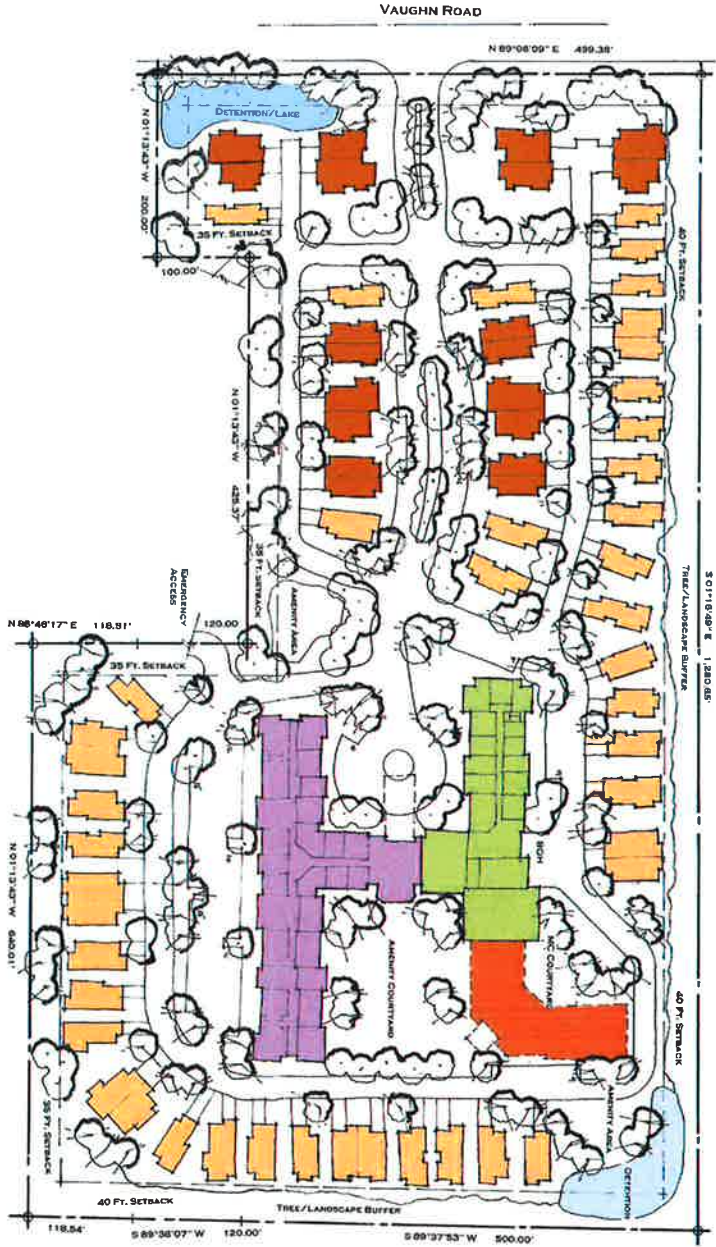
Site 

1 inch = 1,000 feet

Item 1A

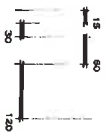
# LEGENDARY LIVING MONTGOMERY

MONTGOMERY, ALABAMA



## MASTER CONCEPT SITE PLAN

APRIL 10, 2018



**FLOWERS & WHITE**  
MONTGOMERY, ALA.

REGISTERED PROFESSIONAL ENGINEER  
NO. 22523 - CIVIL - MONTGOMERY, ALA.  
ISSUED 04/20/10 - EXPIRES 04/20/20



STARLING



APRIL 10, 2018

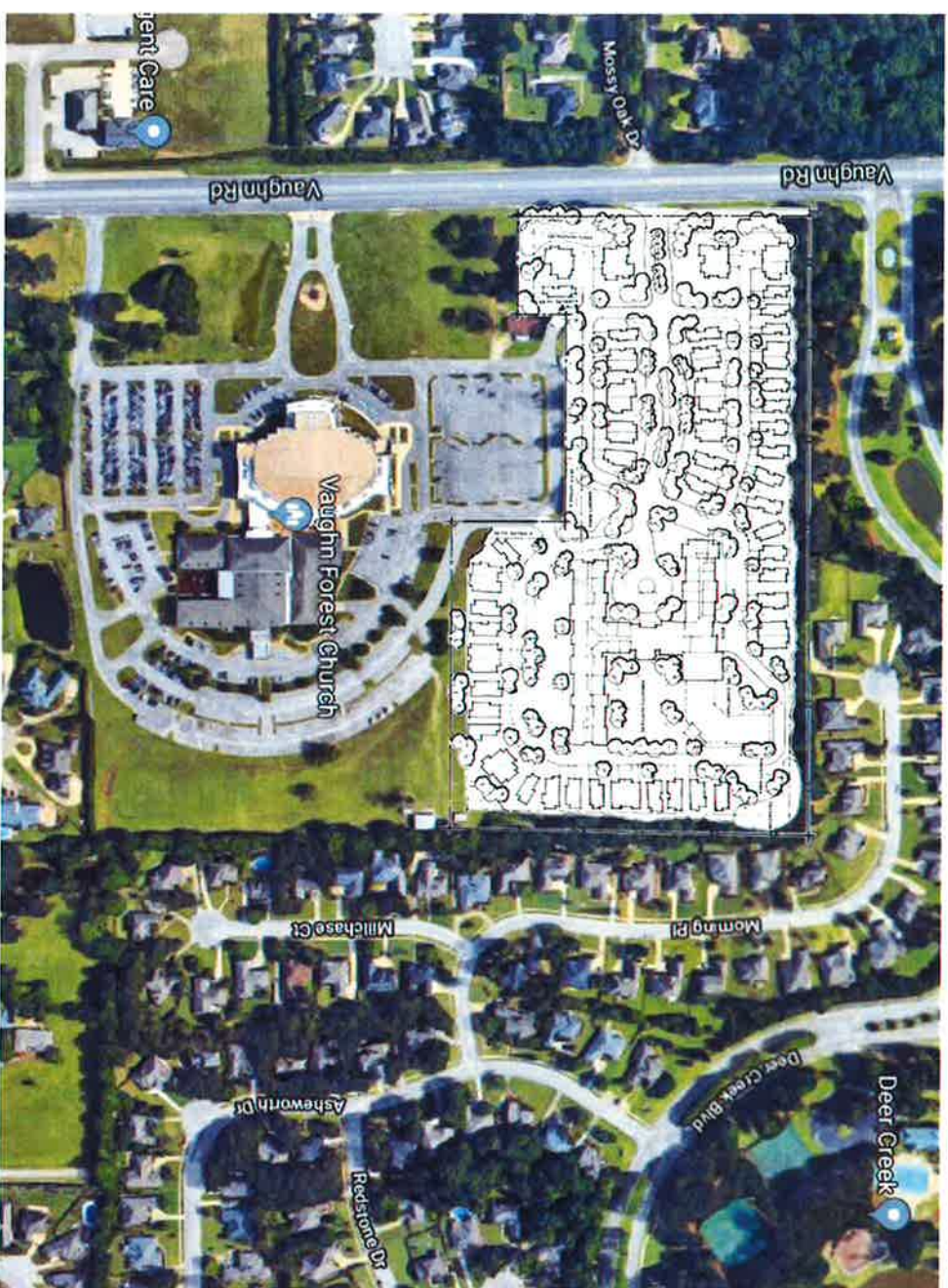
LEGENDARY LIVING MONTGOMERY



1B

# LEGENDARY LIVING MONTGOMERY

MONTGOMERY, ALABAMA



APRIL 6, 2018

LEGENDARY LIVING MONTGOMERY



STARLING

*Legendary Living*



**FLOWERS & WHITE**  
A Subsidiary of  
ROSEMANN DEVELOPMENT & REAL ESTATE, INC.  
10000 W. BIRCHWOOD DR.  
DUBLIN, GA 31009

rosemann  
A Division of



Site 

1 inch = 400 feet

Item 10

**COMPLAINT**

2. BD-2018-018 **PRESENTED BY:** Kyle Kyser, Jr.

**REPRESENTING:** Jean Street, LLC

**SUBJECT:** Request an exception to SmartCode for a monument sign located at 572 South McDonough Street in a T4-R (General Urban Zone-Restricted) SmartCode Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain an existing 7 ft. 6 in. tall monument sign. The sign is 11 ft. off the South McDonough Street property line and 10 ft. off the Grove Street property line.

Prior to SmartCode being adopted in 2007, there was a monument sign in this same location at a lower height, with a wood-framed sign on top. To make the sign aesthetically pleasing and make it more uniform, the petitioner reconstructed an all-brick sign, unaware that SmartCode did not allow him to replace it once it was removed.

*The request is an exception to SmartCode to allow a 7 ft. 6 in. monument sign.*

**COUNCIL DISTRICT: 3**

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_





T4-O

HIGH ST

S PERRY ST

S MCDONOUGH ST

T4-R



GROVE ST

S LAWRENCE ST

T4-O

S HULL ST

T4-O

E SOUTH ST

B-1-b

INST

O-1

ARBA ST

B-2

Site



1 inch = 200 feet

Item 2A

Grove St



Image capture: Mar 2014 © 2018 Google

Montgomery, Alabama

 Google, Inc.

Street View - Mar 2014



Sign prior to  
demolition

2B

Existing Sign





Site Location

1 inch = 20 feet

Item No. 2D

3. BD-2018-015 **PRESENTED BY:** Scott Services

**REPRESENTING:** Montgomery Family Dental

**SUBJECT:** Request a front yard variance and a sign face area variance for an existing ID sign located at 2560 Bell Road in an O-1 (Office) Zoning District.

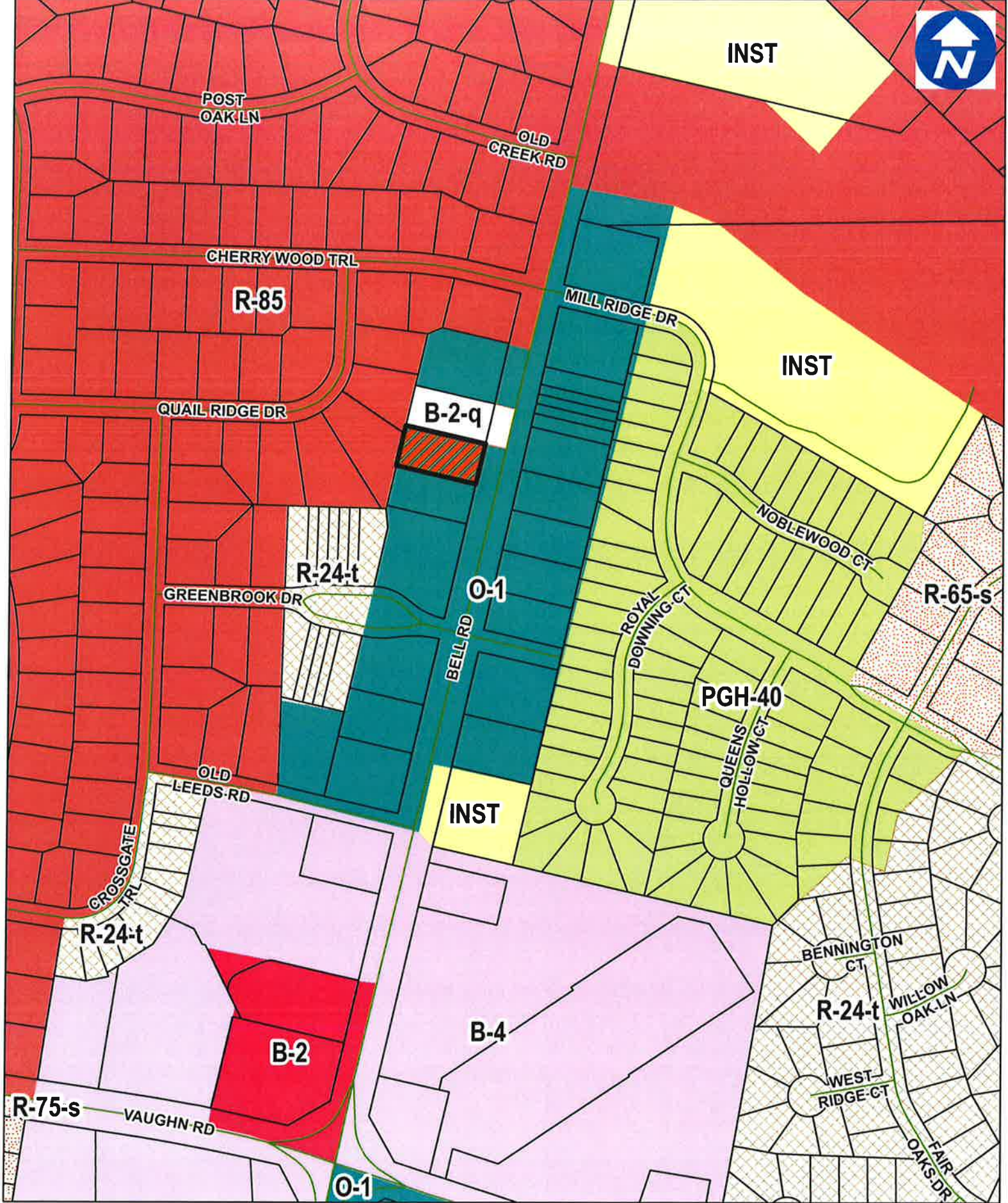
**REMARKS:** This request is being made to give the petitioner permission to maintain an ID sign that comes to the front property line, whereas 20 ft. is required. The area of the sign is 41 sq. ft., whereas 32 sq. ft. is allowed.

*The request is a 20 ft. front yard variance and a 9 sq. ft. area variance.*

**COUNCIL DISTRICT:** 9

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



Site 

1 inch = 300 feet

Item 3A

D/S MONUMENT

# M1-2

**SIGN CODE •**

Proposed Signage = 40.75 SqFt

Relevant Signage Code:  
N/A

Sign Calculation:  
(H) x (L) of overall boxed dimensions

**SIGN TYPE •**

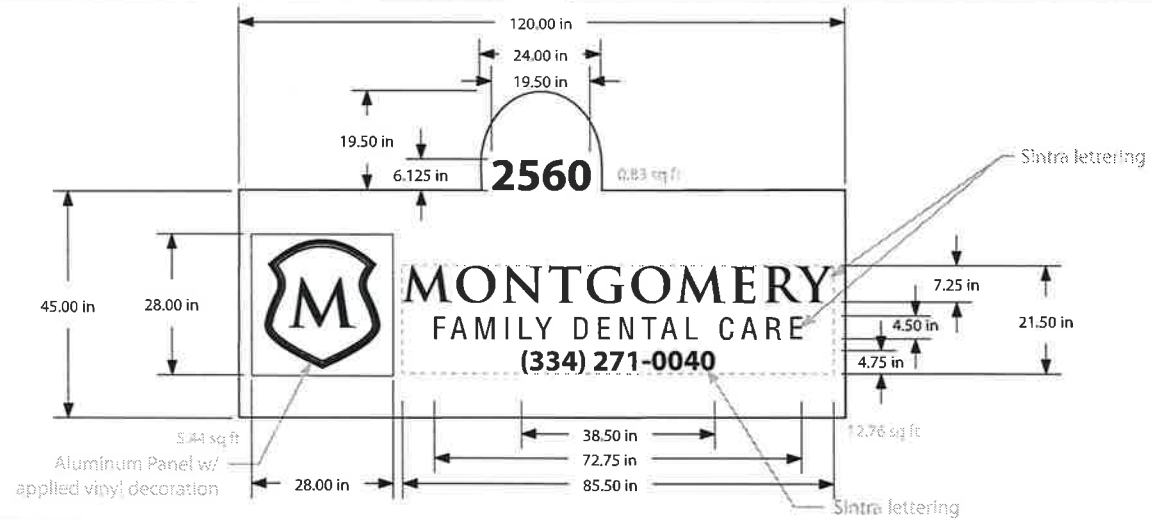
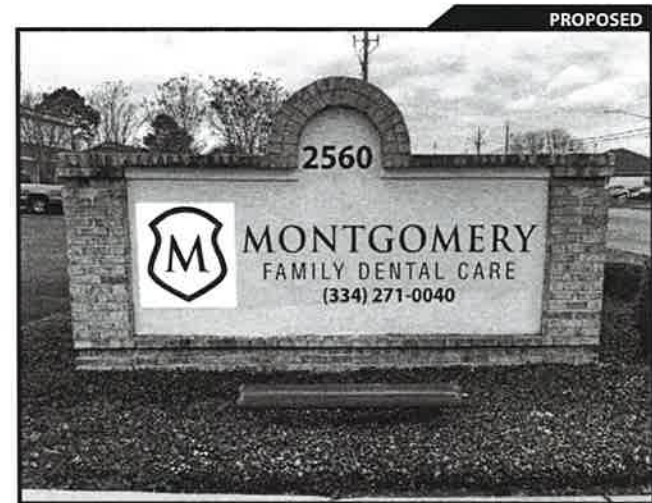
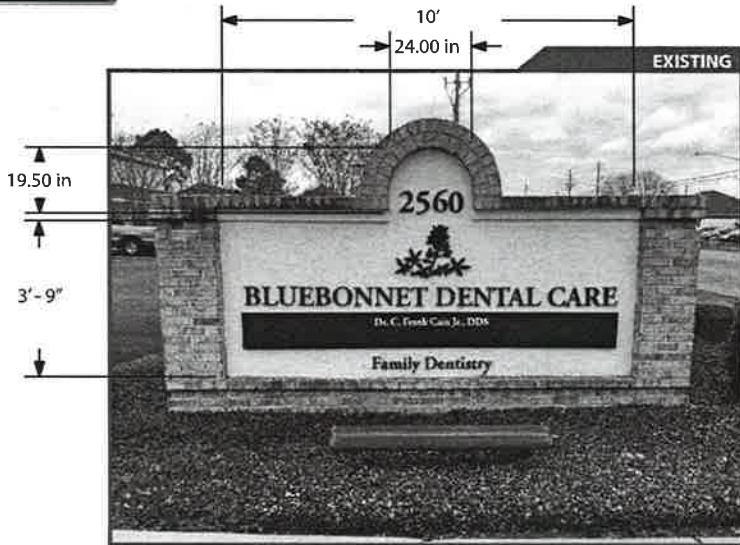
1/2" Thick Non-Illuminated Sintra Letters  
w/ applied vinyl & Aluminum panels

**MOUNTING •**

Flush Mounted

**COLOR PALETTE •**

Black
Aluminum Panel: SW7004 Snowbound
N/A
N/A
N/A
N/A
N/A
N/A



Revision Date: 3.26.18

Rev. Details: Correct sign dimensions on proposed

Scale: 1/2" = 12"

Designer: Connor

Revision Art: Liz



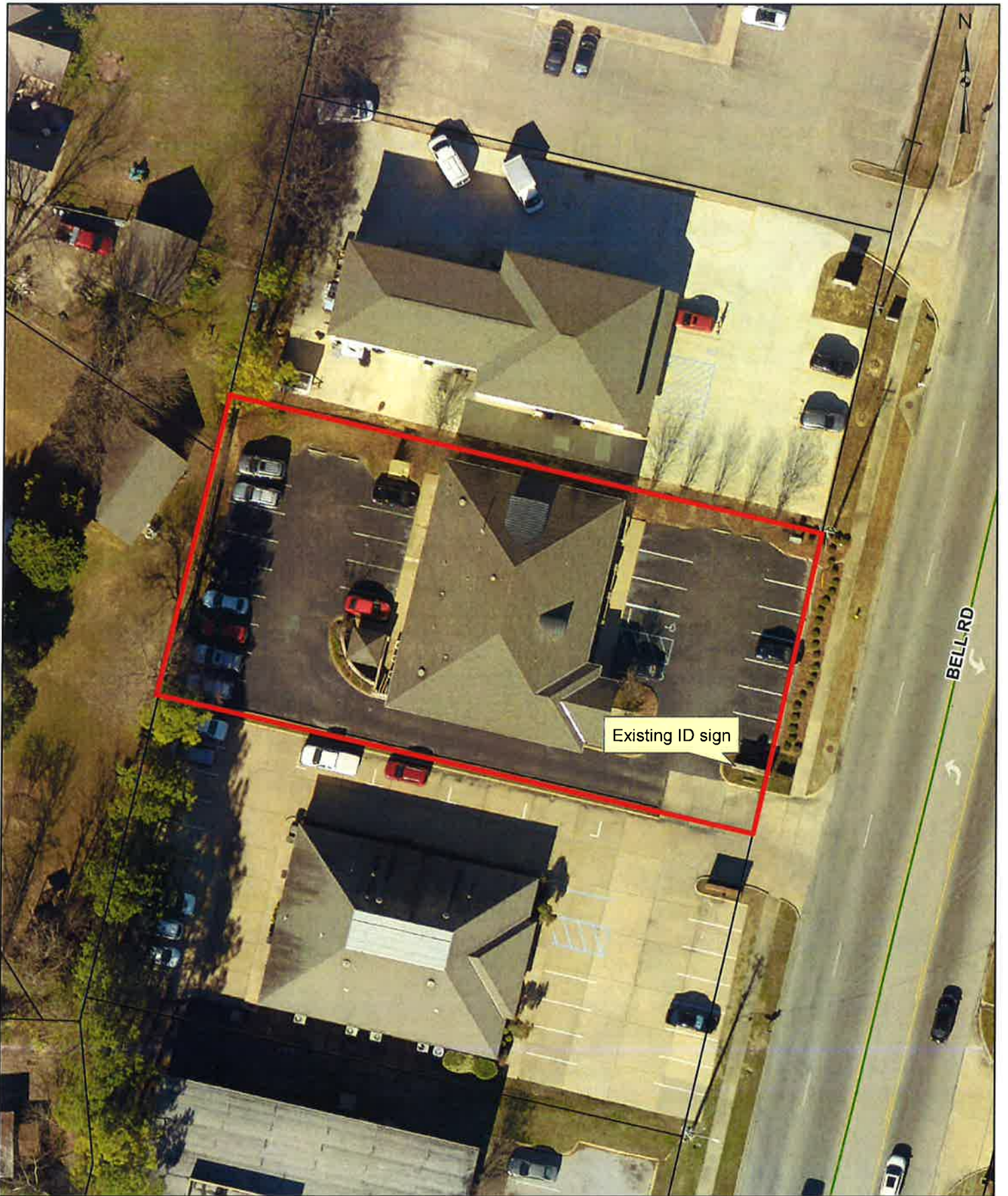
1201 Wiley Rd. Ste 150  
Schaumburg, IL 60173  
O: 847.301.0510  
F: 847.301.0518  
ideas@identiti.net

Project No:	180059	Proj. Location:	2560 Bell Rd. Montgomery, AL. 36117
Orig. Draft:	12/19/17	Proj. Manager:	Bryan Brotanel
Page Rev:	004	Sales Rep:	Josh Sprecher

PROJECT

This sign design is exclusive property of Identiti Resources, LTD. and is the result of the original and creative work of its employees. This design is submitted to the customer for the sole purpose of purchase of the design or signage manufactured for this design by Identiti Resources, LTD. Distribution or use of this sign design by anyone outside of the customer's organization, without expressed, written authorization on by Identiti Resources, LTD. is prohibited.

38/



Site Location

1 inch = 40 feet

Item No. 30



4. BD-2018-014 **PRESENTED BY:** Thomas & Kristy Eubanks

**REPRESENTING:** Same

**SUBJECT:** Request a rear yard variance for an addition to a dwelling located at 3233 Audubon Road in R-60-s (Residential) and R-125 (Residential) Zoning Districts.

**REMARKS:** This request is being made to give the petitioner permission to construct an addition that will come within 30 ft. of the rear property line, whereas 40 ft. is required.

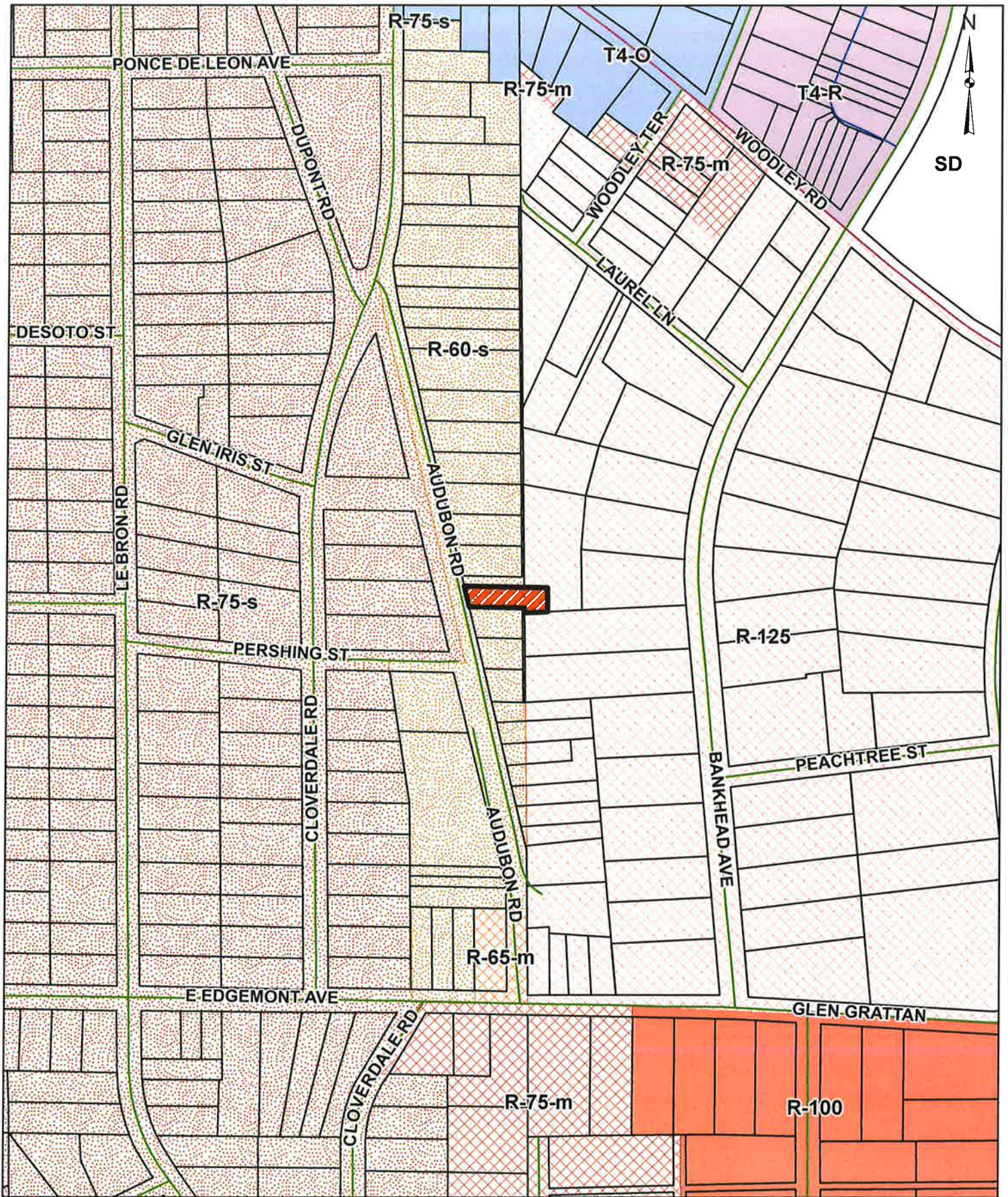
The Architectural Review Board approved this addition at the March 27, 2018 meeting.

The request is a 10 ft. rear yard variance.

**COUNCIL DISTRICT:** 7

*COMMENTS* \_\_\_\_\_

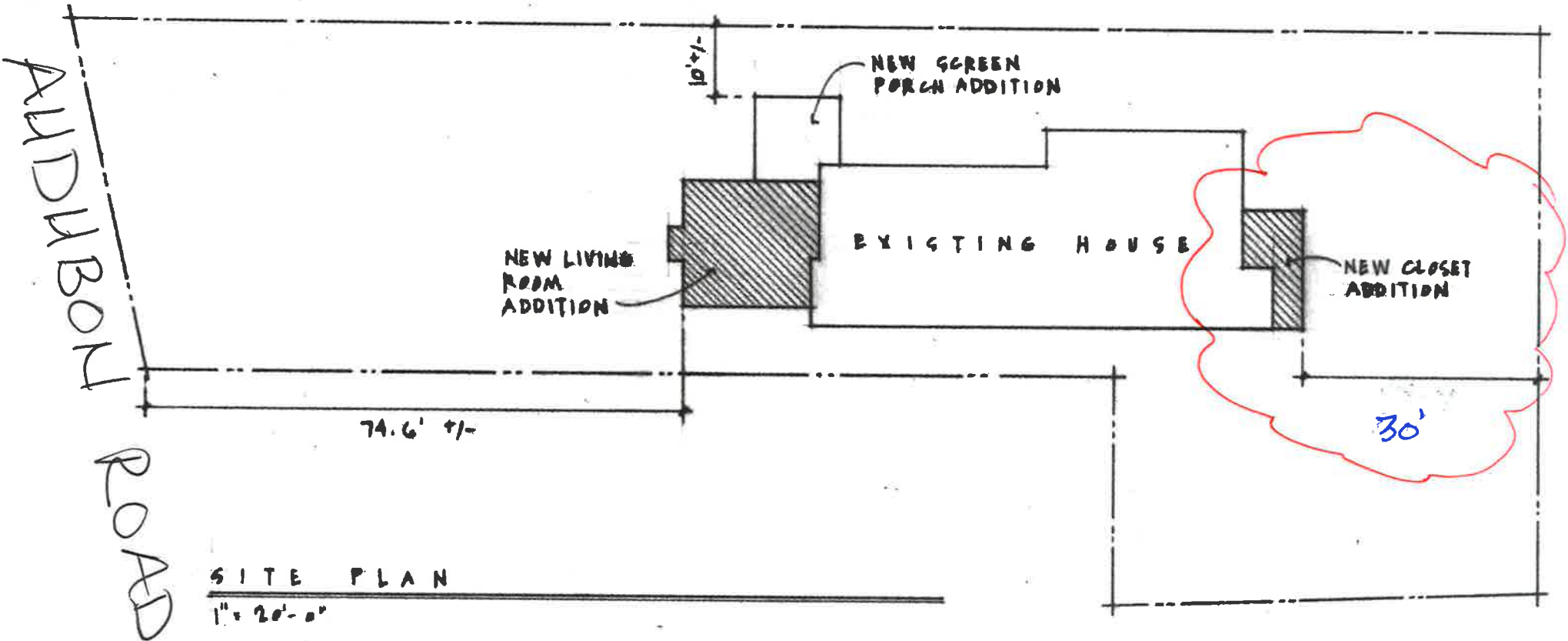
*ACTION TAKEN:* \_\_\_\_\_



Site Location 

1 inch = 300 feet

Item No. 4A



AUDUBON ROAD

NEW LIVING ROOM ADDITION

NEW SCREEN PORCH ADDITION

EXISTING HOUSE

NEW CLOSET ADDITION

74.6' +/-

10' +/-

30'

SITE PLAN

1" = 20'-0"

4/2



Site Location

1 inch = 40 feet

Item No. 4C

5. BD-2018-021 **PRESENTED BY:** Debra S. Caldwell

**REPRESENTING:** Dutchess Divas & Gents Youth Club

**SUBJECT:** Request a special exception to operate a youth center in a building located at 1124 Adams Avenue in an M-1 (Light Industrial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to operate a youth center as follows:

- Target audience will be at risk youth and young adults, ages 4 – 19
- Approximately 35-40 youth
- Up to four (4) full-time employees and one (1) part-time employee
- Mentoring and tutoring (Saturday)
- Counseling to help with their emotional well-being
- Help change mindsets with field trips & workshops, sports and help guide and assist those with entrepreneurship goals
- Days/Hours: Monday-Friday, 8:00 a.m. – 5:00 p.m.  
Saturday – field trips and mentoring

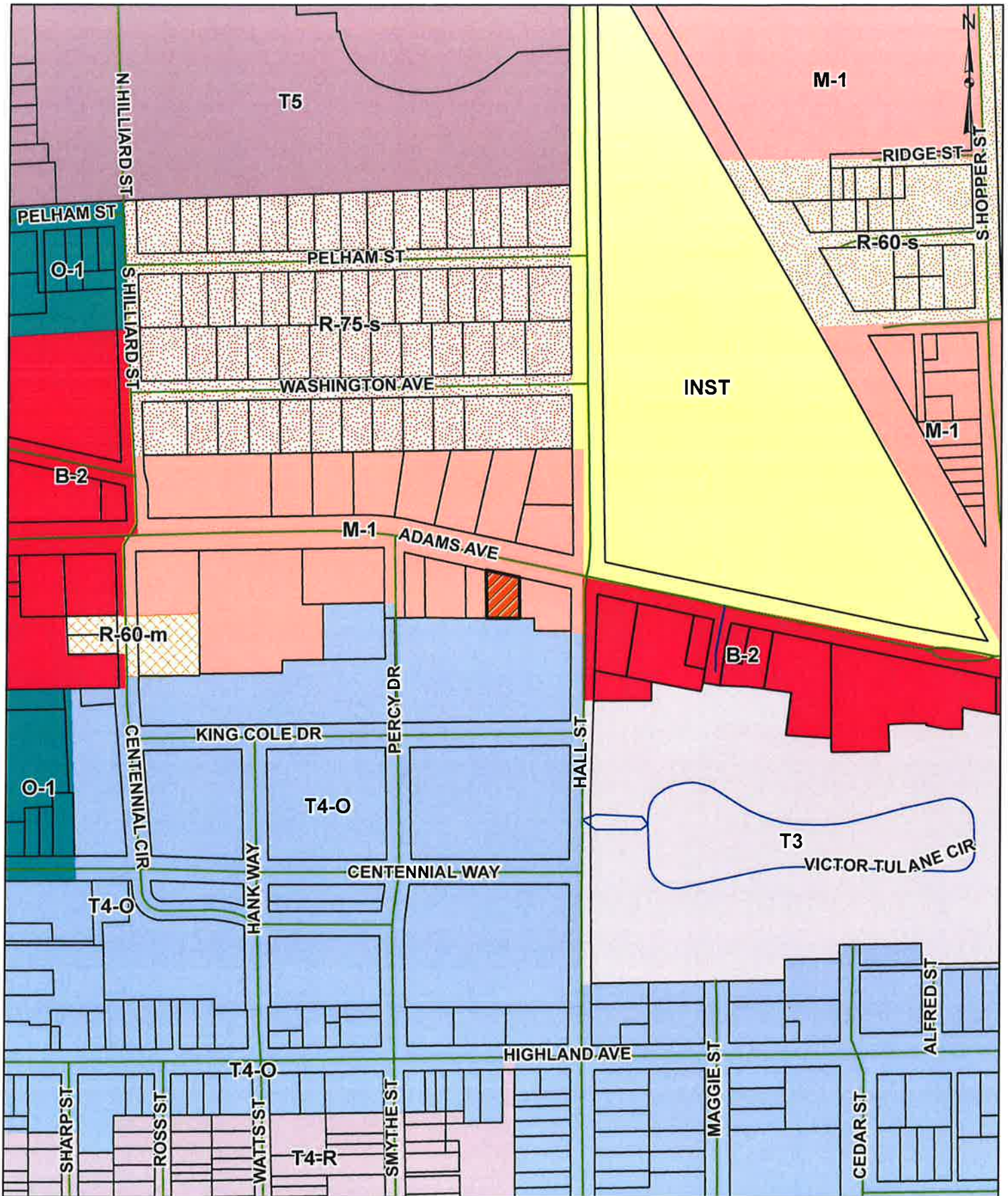
There are at least seven (7) available parking spaces onsite.

*The request is a special exception for a youth center.*

**COUNCIL DISTRICT: 3**

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



Site Location 

1 inch = 300 feet

Item No. 5A



Site 

1 inch = 60 feet

Item 5B

6. BD-2018-013 **PRESENTED BY:** Eddie & Marie Barnes

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to place a mobile home for living purposes on a parcel located at 3317 Rabbit Road in an AGR-1 (Residential Agriculture) Zoning District

**REMARKS:** This request is being made to give the petitioner permission to place a mobile home for living purposes on a 13.9 acre parcel of land. The mobile home will be placed a minimum of 50 ft. from the front property line.

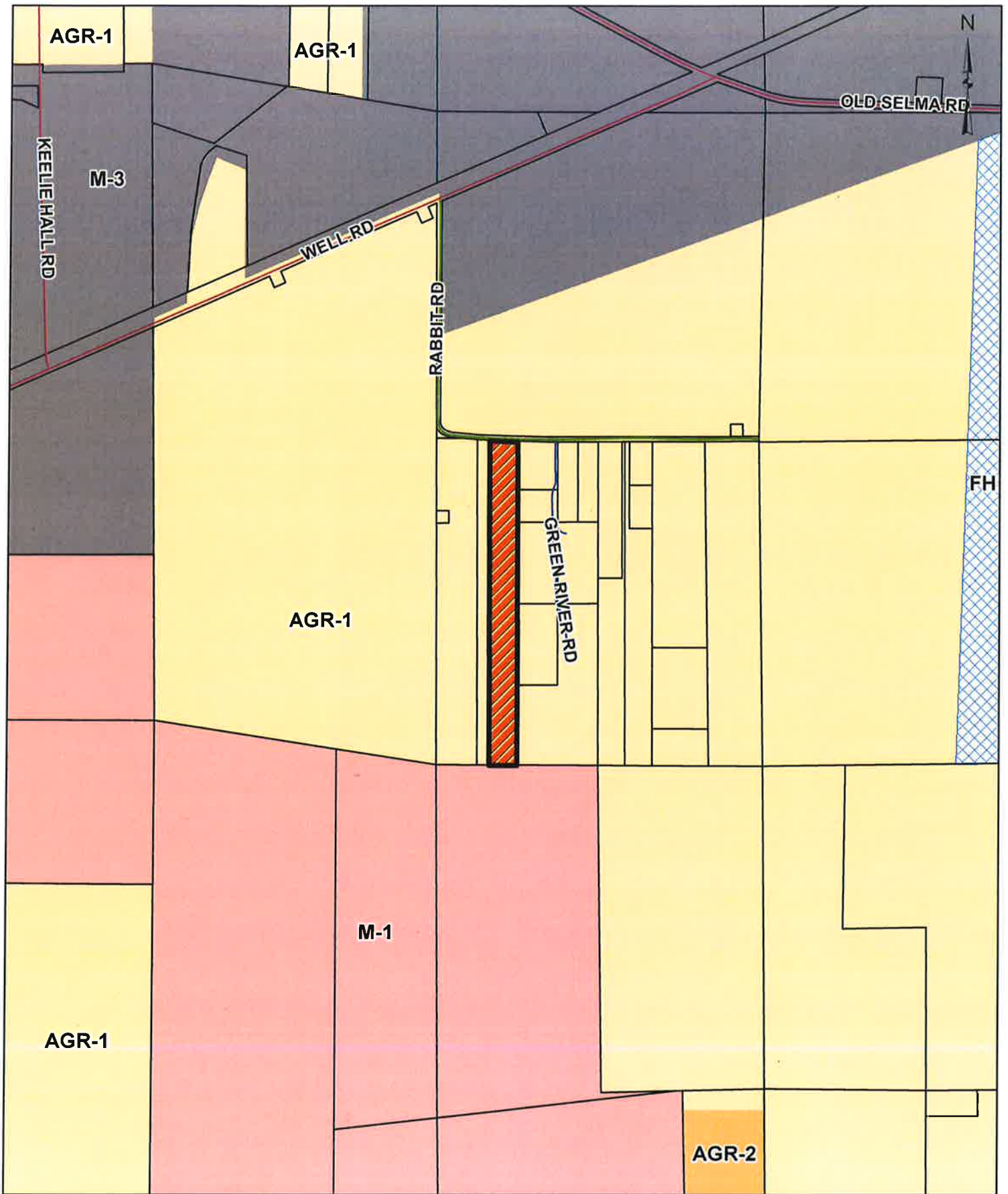
*The request is a special exception for a mobile home for living purposes.*

**COUNCIL DISTRICT:** Police Jurisdiction

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_





Site Location 

1 inch = 1,000 feet

Item No. 6A



Site Location

1 inch = 100 feet

Item No. 6B

7. BD-2018-019 **PRESENTED BY:** LaDonna Brown

**REPRESENTING:** Alabama School of Phlebotomy

**SUBJECT:** Request a special exception for a private school to be located at 2844 Zelda Road in a B-2 (Commercial) Zoning District

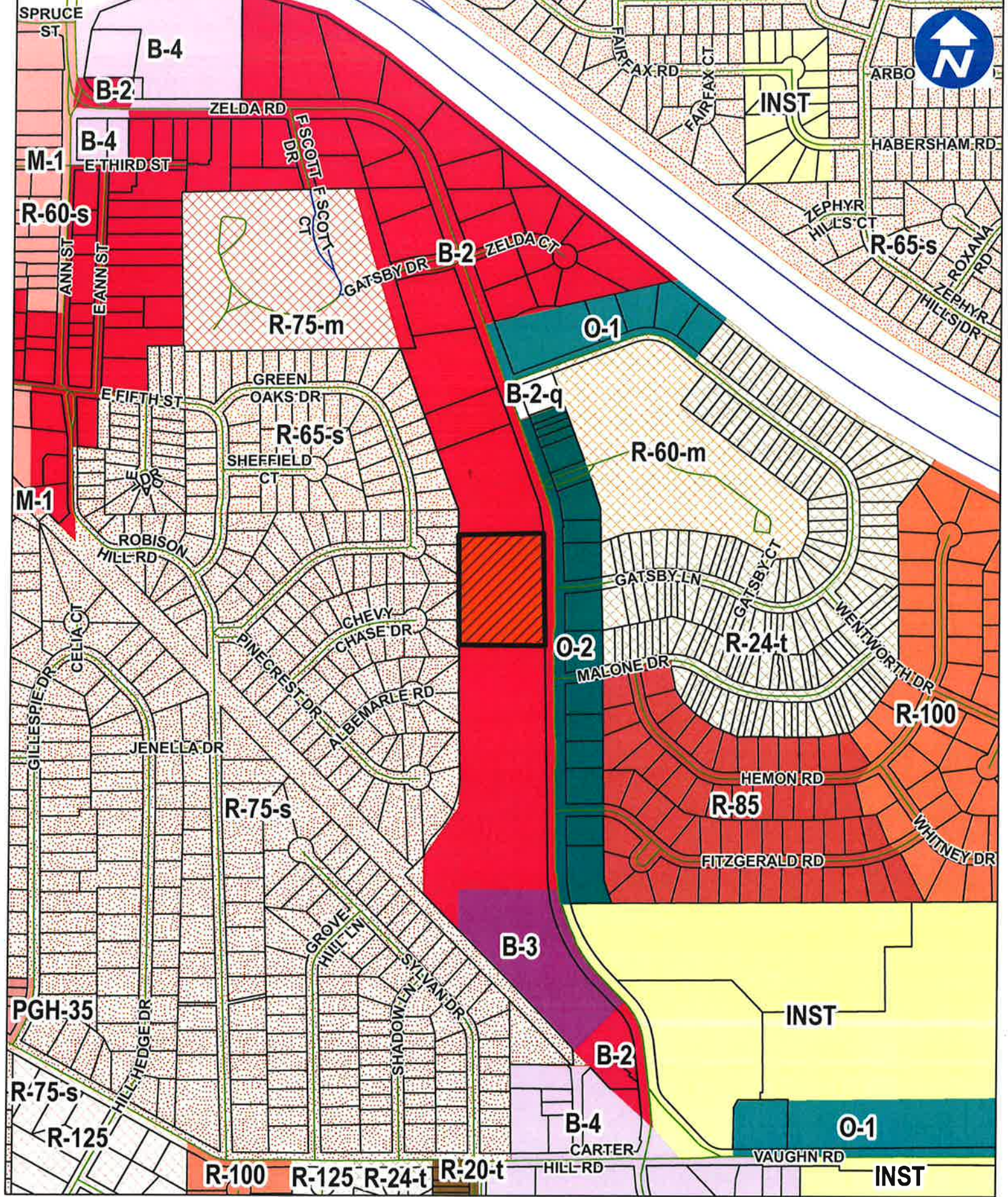
**REMARKS:** This request is being made to give the petitioner permission to operate a private school in a multi-tenant building. Hours: Monday and Wednesdays, 8:00 a.m. – 1:00 p.m. There will be 12 students. There is shared parking for the shopping center.

*The request is a special exception for a private school.*

**COUNCIL DISTRICT:** 7

*COMMENTS* \_\_\_\_\_

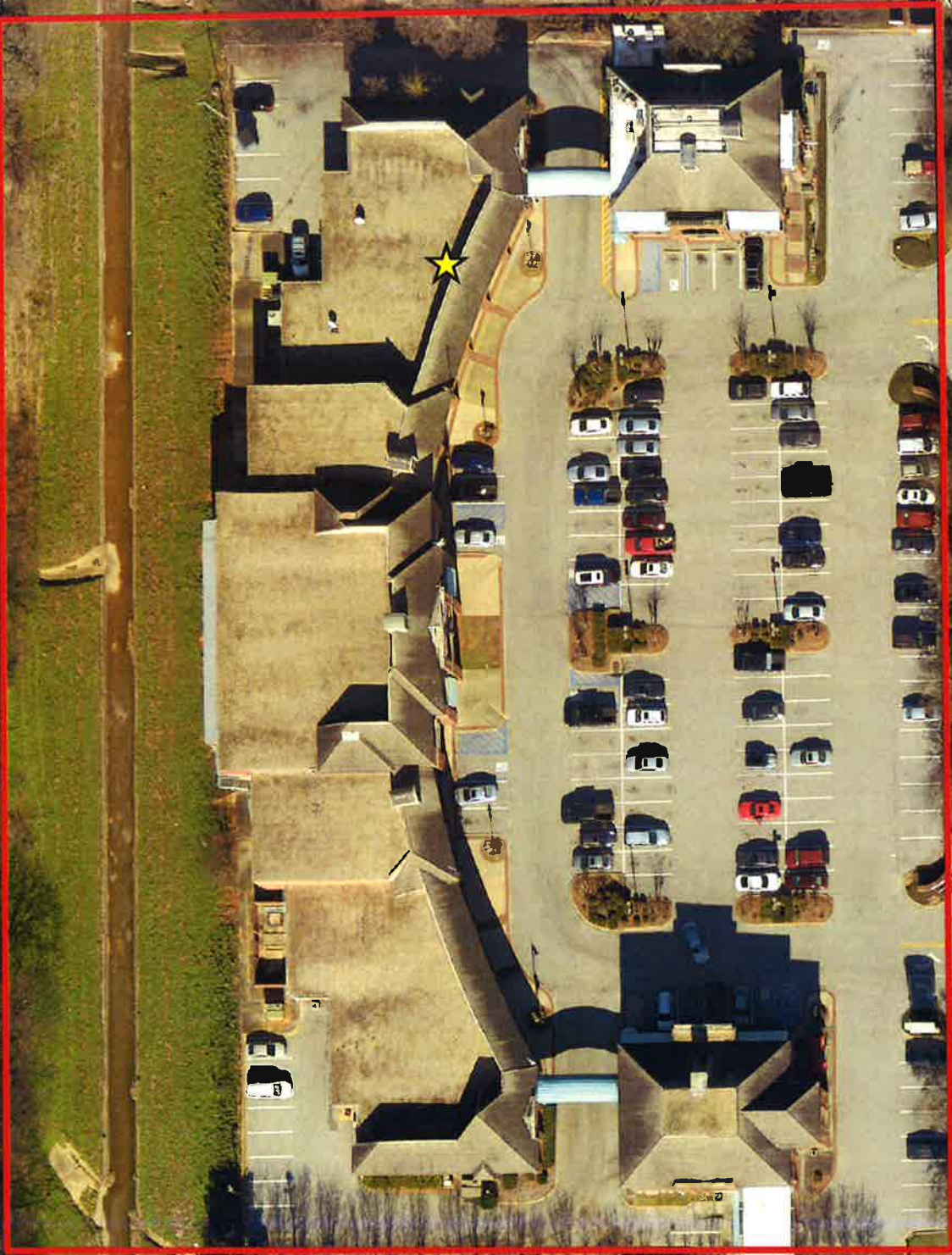
*ACTION TAKEN:* \_\_\_\_\_



Site 

1 inch = 500 feet

Item 7A



GATSBY LN

ZELDA RD

Site 

 Tenant Space

1 inch = 60 feet

Item 7B

8. BD-2018-017 **PRESENTED BY:** Tri-County Screen Enclosures

**REPRESENTING:** David White

**SUBJECT:** Request a rear yard variance for an addition to the dwelling located at 1060 Whitehall Parkway in an R-85 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 1,140 sq. ft. (57 ft. x 20 ft.) screen pool enclosure to come within 8 ft. of the rear property line, whereas 30 ft. is required. The screen pool enclosure is attached the dwelling.

*The request is a 22 ft. rear yard variance.*

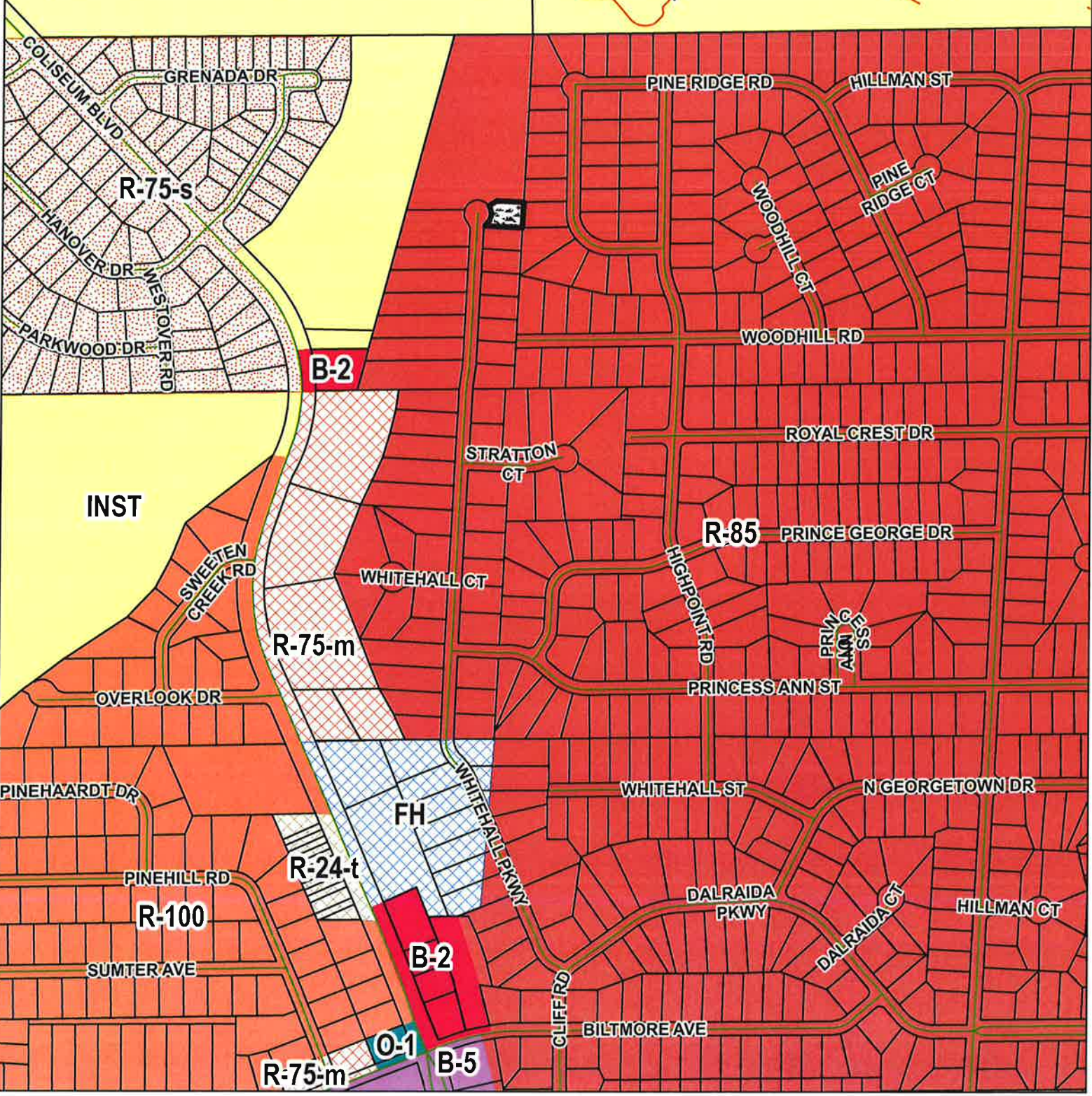
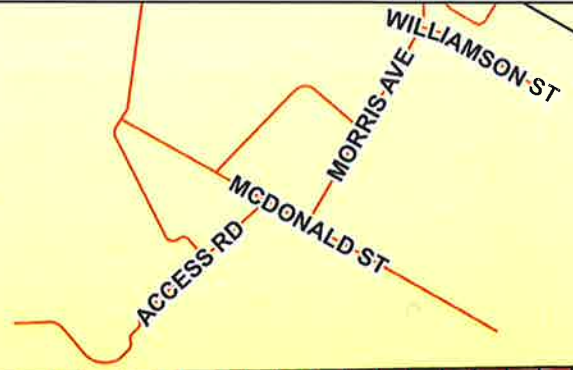
**COUNCIL DISTRICT: 2**

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



INST



Site 

1 inch = 500 feet

Item 8A



Site Location 

1 inch = 30 feet

Item No. 8B



9. BD-2018-016 **PRESENTED BY:** Keith & Vanessa Hall

**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance, separation between structures variance, and coverage variance for two (2) accessory structures located at 3134 South Hull Street in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to maintain a 792 sq. ft. (22 ft. x 36 ft.) accessory structure (carport), and a 210 sq. ft. (10 ft. x 21 ft.) accessory structure. The total coverage of both accessory structures is 1,002 sq. ft., whereas 675 sq. ft. is allowed. The 792 sq. ft. carport is the newer one constructed and will come within 3 ft. 10 in. of the side property line, whereas 5 ft. is required; and comes within 3 ft. 2 in. of the other accessory structure, whereas a 10 ft. separation is required.

The homeowners realized there had not been any inspections, nor did the contractor obtain any permits, so they had the contractor stop the work.

**Planning Controls Comment(s):** Gutters and downspouts will be required to direct drainage away from the adjoining property.

**The variances requested are:**

- a 1 ft. 2 in. side yard variance
- a 6 ft. 10 in. separation between structures variance
- a 327 sq. ft. coverage variance

**COUNCIL DISTRICT:** 7

**COMMENTS** \_\_\_\_\_

**ACTION TAKEN:** \_\_\_\_\_



Site Location 

1 inch = 300 feet

Item No. 9A



Site Location 

1 inch = 30 feet

Item No. 98

10. BD-2018-022 **PRESENTED BY:** Sammy Stroh

**REPRESENTING:** Emmie King Stroh

**SUBJECT:** Request a coverage variance for an accessory structure to be located at 1539 Meriwether Circle in an R-100 (Single-Family Residential) Zoning District.

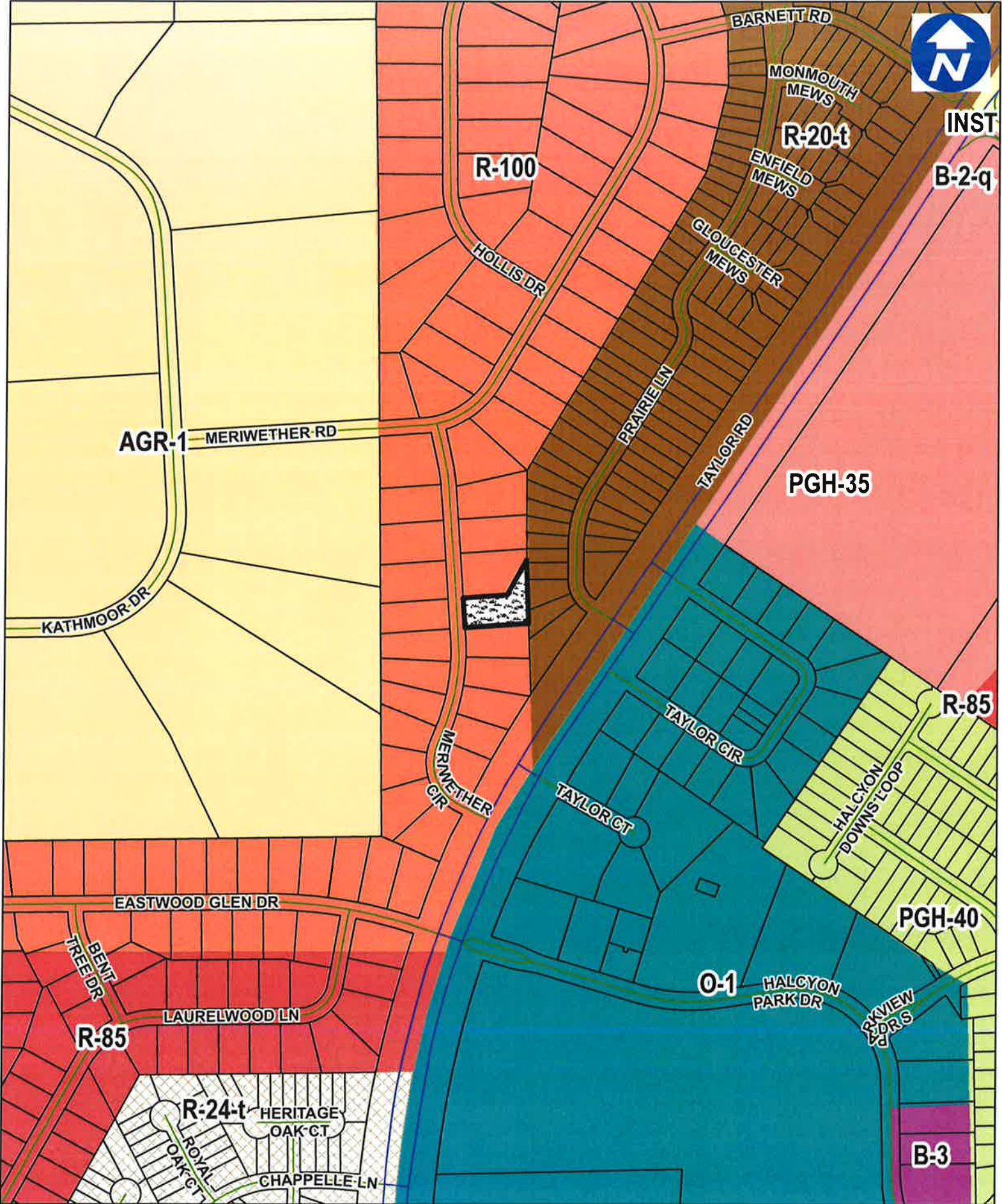
**REMARKS:** This request is being made to give the petitioner permission to construct a 1,600 sq. ft. (40 ft. x 40 ft.) accessory structure (detached garage) in the rear yard, whereas 900 sq. ft. is allowed. The accessory structure meets all setback and separation requirements.

The request is a 700 sq. ft. coverage variance.

**COUNCIL DISTRICT:** 9

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



Site 

1 inch = 400 feet

Item 10A



MERIWETHER CIR

Proposed  
1,600 sq. ft.  
garage

Site 

1 inch = 40 feet

Item 10B

11. BD-1982-006 **PRESENTED BY:** Raymond Burt

**REPRESENTING:** Burt Steel, Inc.

**SUBJECT:** Request a front yard variance for an addition to a building located at 905 North Decatur Street in an M-1 (Light Industrial) Zoning District.

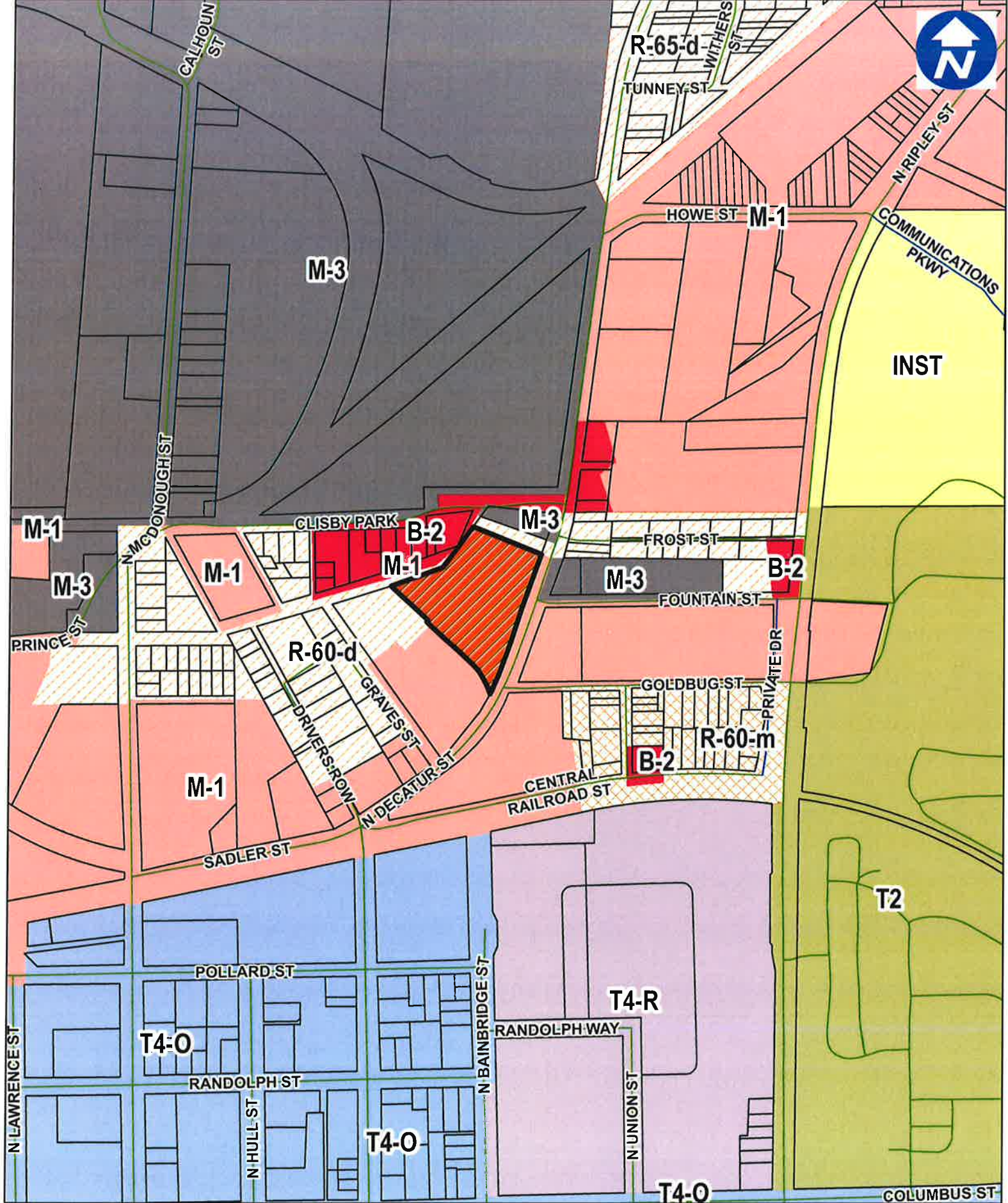
**REMARKS:** This request is being made to give the petitioner permission to construct an addition that will come to the front property line, whereas 20 ft. is required.

*The request is a 20 ft. front yard variance.*

**COUNCIL DISTRICT: 3**

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



Site 

1 inch = 400 feet

Item 11A



Addition



HB



Site 

1 inch = 100 feet

Item 11C

12. BD-2018-023 **PRESENTED BY:** Carlton Moore

**REPRESENTING:** Same

**SUBJECT:** Request a height variance and front yard variance for an existing privacy fence located at 436 Polk Street in an R-60-s (Single-Family Residential) Zoning District.

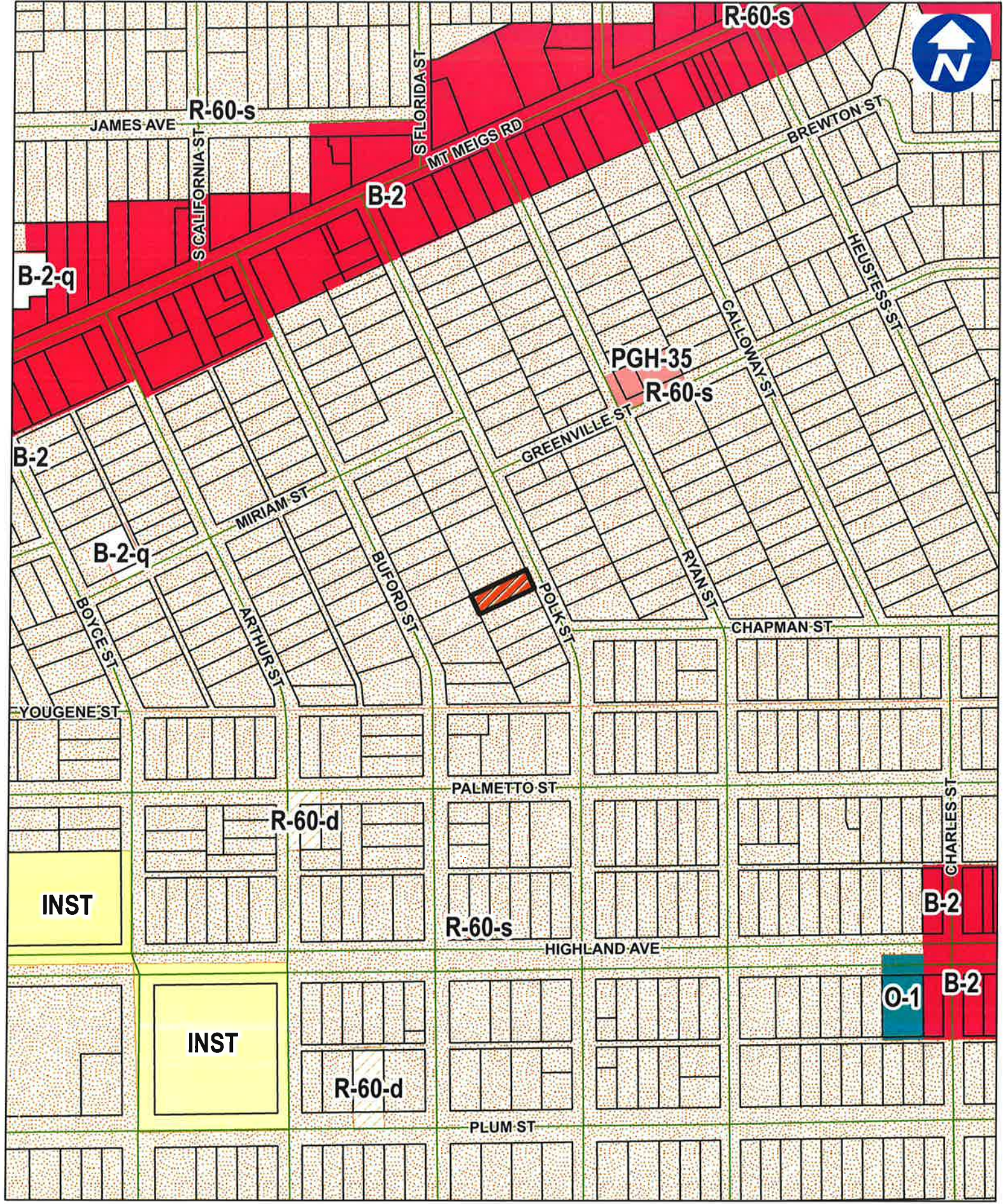
**REMARKS:** This request is being made to give the petitioner permission to maintain a 6 ft. high privacy fence on the south side of the lot, whereas 3 ft. height is allowed; and comes to the front property line, whereas 20 ft. is required.

The requests are a 3 ft. height variance and a 20 ft. front yard variance.

**COUNCIL DISTRICT:** 3

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



Site 

1 inch = 300 feet

Item 12A



This is the only portion requiring variances

Site 

1 inch = 30 feet

Item 12B

13. BD-1995-103 **PRESENTED BY:** Pilgreen Engineering

**REPRESENTING:** Thomas Smith

**SUBJECT:** Request a coverage variance for an additional accessory structure to be located at 87 Fleetwood Drive in an R-65-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 1,500 sq. ft. accessory structure. There are two (2) existing accessory structures totaling 792 sq. ft. The total coverage for all three (3) accessory structures will be 2,292 sq. ft., whereas 585 sq. ft. is allowed.

The Board of Adjustment denied a request for an accessory structure without a main dwelling at the September 21, 2017 meeting. The petitioner appealed to Circuit Court; however a consensus was made that the petitioner would replat the two (2) lots into one (1) lot and seek a coverage variance.

**Planning Controls Comment(s):** A replat will be heard at the April 26, 2018 Planning Commission meeting. If approved, the coverage variance will not be released until the replat is recorded.

*The variance requested is a 1,707 sq. ft. coverage variance.*

**COUNCIL DISTRICT:** Police Jurisdiction

*COMMENTS* \_\_\_\_\_

*ACTION TAKEN:* \_\_\_\_\_



AGR-1

FH

AGR-1

R-50  
M-1

AGR-1

M-3

SADDLEBROOK DR  
R-60-s

R-99-s

FLEETWOOD DR

R-65-s

MAPLEWOOD DR

B-2

M-1

B-2

R-65-s

R-65-s

PGH-35

B-2

R-65-m

R-65-s

B-2

R-65-s

R-60-s

R-65-d

M-1

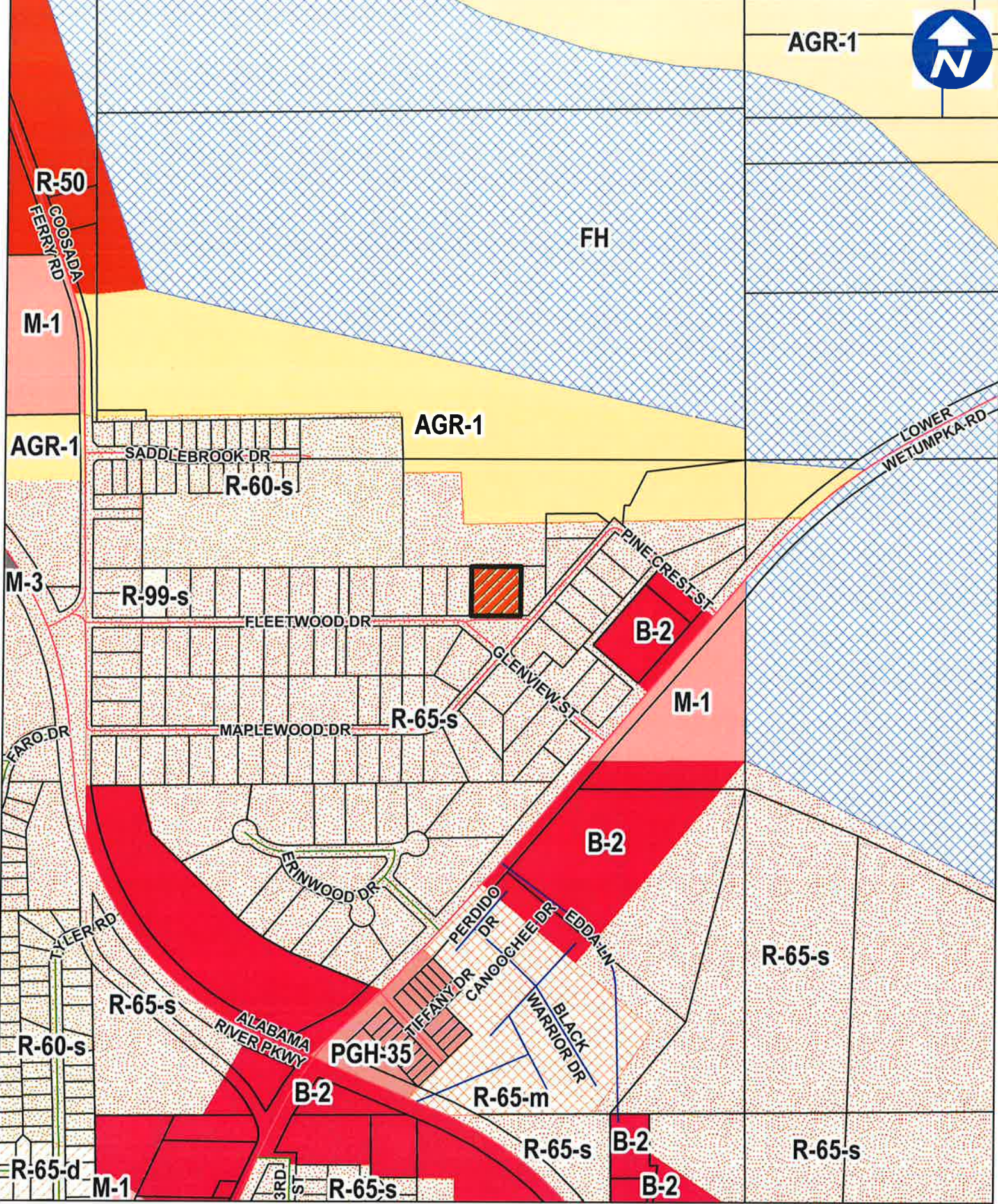
R-65-s

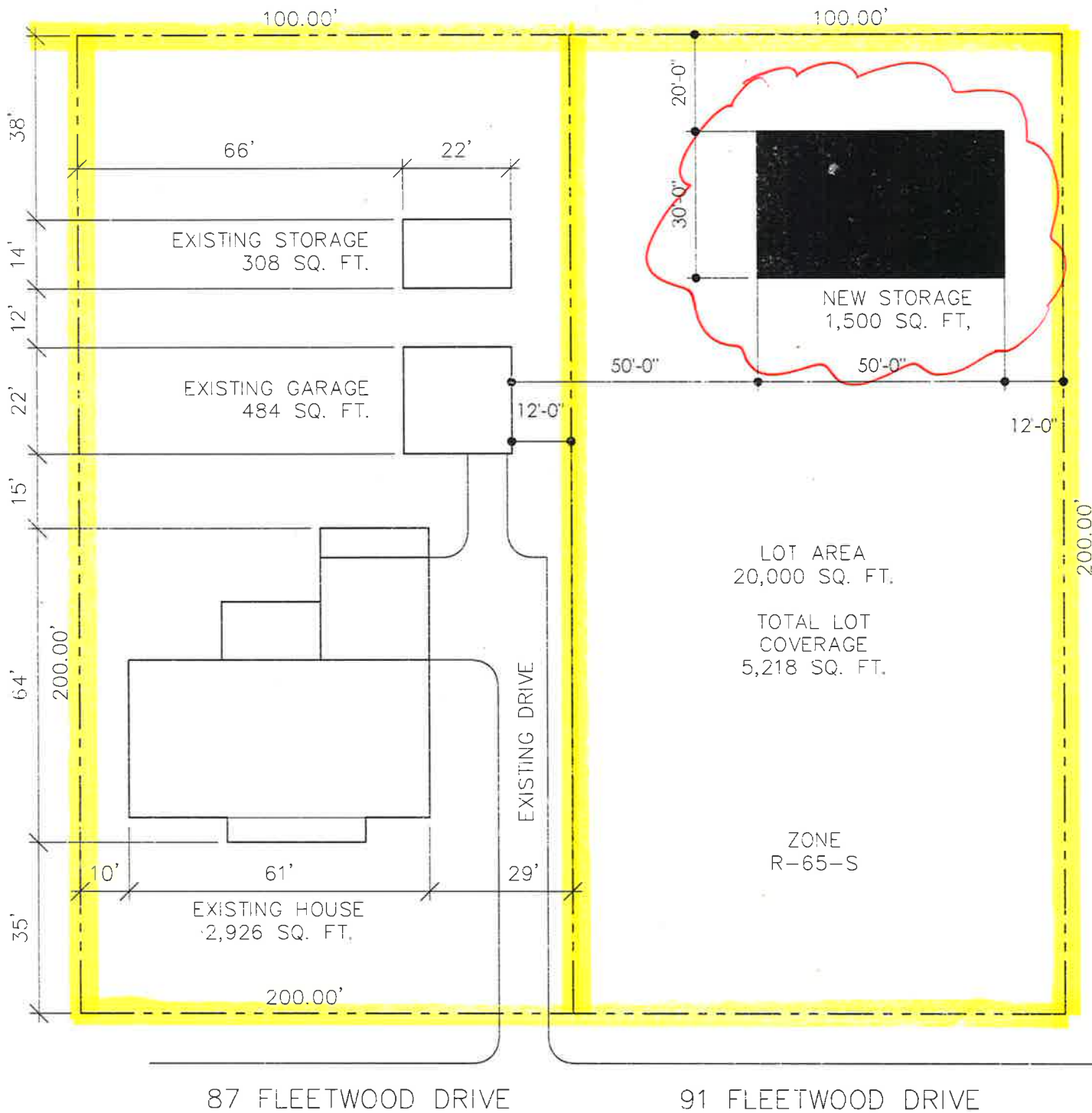
B-2

Site 

1 inch = 500 feet

Item 13A





91 FLEETWOOD DRIVE  
 LOT 5 BLOCK 7  
 OPEN ACRES SUB'D  
 MONTGOMERY, ALABAMA

13B



**SITE PLAN**  
 SCALE 1"=30'-0"





FLEETWOOD DR

MAPLEWOOD DR

GLENVIEW ST

Site 

1 inch = 50 feet

Item 13C