

Board of Adjustment Agenda

June 21, 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

**Land Use Division
25 Washington Ave., 4th Floor
Montgomery, AL 36104
(334)625-2722**

I. **Chairman's Message**

II. **Approval of Minutes from the May 17, 2018 meeting**

June 21, 2018

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2018-029	Nur Mohammad Hossain	R-85	3255 Hammond Drive (Chickens)	1
2.	2018-031	Larry Jarrett	AGR-1	Old Selma Road (Private non-profit club)	2
3.	2018-037	Isaac Cooper and Justin Johnson	B-3	3447 McGehee Road (Variance to Ord. 17-2014)	3
4.	1982-175	Larry E. Speaks & Associates	M-1 & B-3	1516 Mobile Road (Group housing)	4
5.	2018-036	Fredy DeLeon	R-100	627 Lynwood Drive (Chickens)	5
6.	2018-034	Francisco Lopez-Ramirez	R-100	28 Fairlane Drive (Chickens)	6
7.	2018-033	Annetta Tate	B-3	2813 East South Boulevard (Church & private school)	7
8.	2018-038	Jarvis & Barbara Williams	B-3	5771 Woodmere Boulevard (Front yard variance)	8

The next Board of Adjustment meeting is on July 19, 2018

COMPLAINT

1. BD-2018-029 **PRESENTED BY:** Nur Mohammad Hossain

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 3255 Hammond Drive in an R-85 (Single-Family Residential) Zoning District.

REMARKS: This request is being made to give the petitioner permission to keep six (6) chickens (no roosters). The applicant has been given the chicken guidelines and has stated they will be in compliance.

This request was delayed prior to the May 17, 2018 meeting by the petitioner.

The request is a special exception to keep six (6) chickens.

COUNCIL DISTRICT: 8

COMMENTS _____

ACTION TAKEN: _____

R-24-t

TAYLOR PARK RD

R-65-m

B-2



B-3

VAUGHN RD

HALCYON PARK DR

SEATON BLVD

SEATON PL

B-3

SEATON CIR

SEATON PARK

R-65-m

CORNERSTONE BLVD

INST

B-2

KESSINGER DR

PUD

ARCHIBALD DR

R-85

R-20-t

CHANTILLY WAY

HAMMOND DR

R-100

AVERIETT DR

RESERVE CIR

AGR-1

MALCOLM DR

RESERVE DR

0-1

QUAD PKWY

PUD

Site



1 inch = 400 feet

Item 1A



Site Location

1 inch = 30 feet

Item No. 1B

2. BD-2018-031 **PRESENTED BY:** Larry Jarrett

REPRESENTING: Lillie Richardson, Larry Jarrett, and Jacqueline McGhee Bristow

SUBJECT: Request a special exception for a private non-profit club to be located on the south side of Old Selma Road, approximately 2,500 ft. west of Mitchell Young Road, in an AGR-1 (Residential Agriculture) Zoning District.

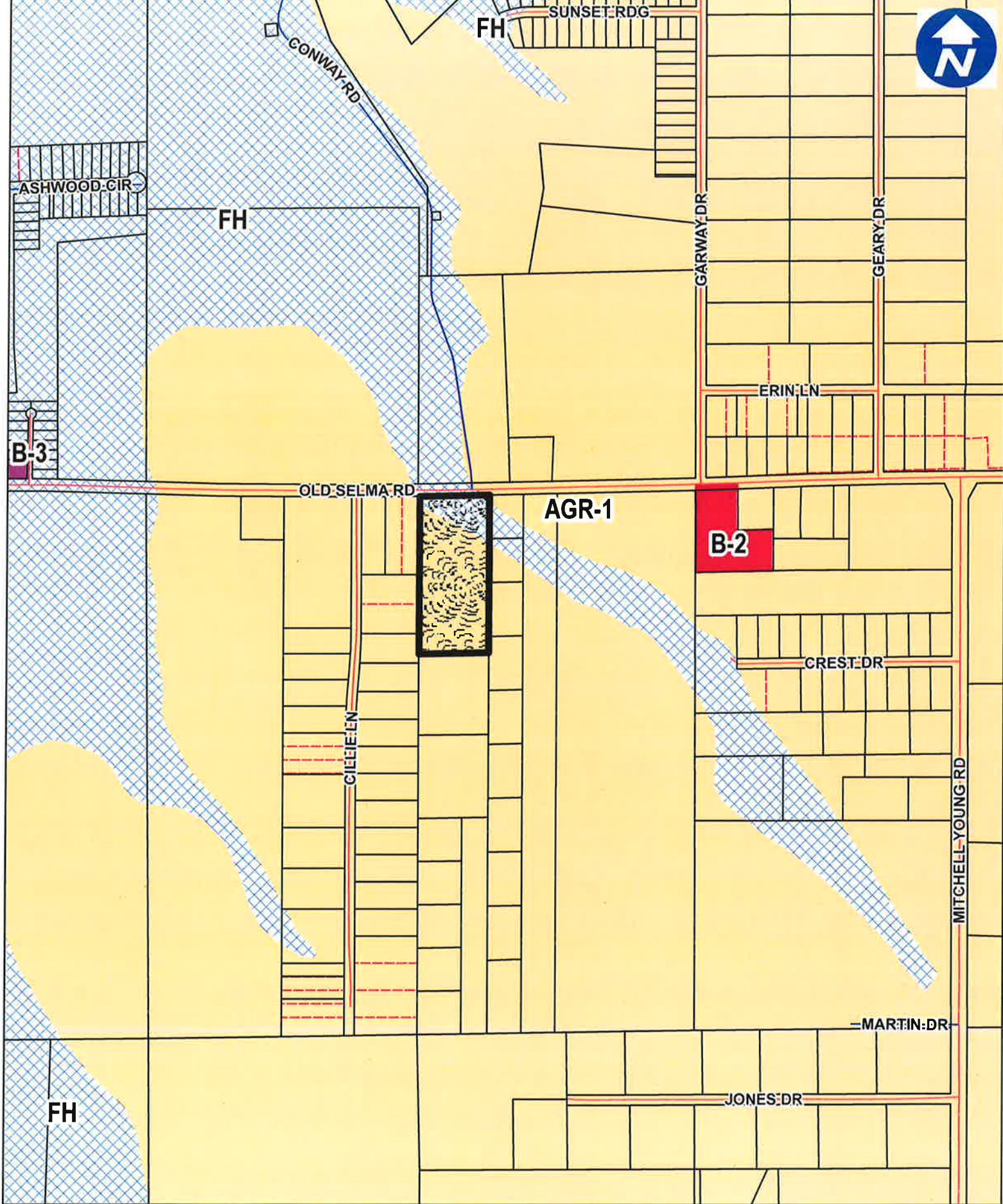
REMARKS: This request is being made to give the petitioner permission to operate a private non-profit club that will be used for family gatherings such as holidays, family reunions, birthdays, etc. The petitioner is only asking for the use at this time and will submit plans at a later date for review/approval.

The request is a special exception for a private non-profit club.

COUNCIL DISTRICT: Police Jurisdiction

COMMENTS _____

ACTION TAKEN: _____



Site



1 inch = 600 feet

Item 2A



Site 

1 inch = 300 feet

Item 2B

3. BD-2018-037 **PRESENTED BY:** Isaac Cooper and Justin Johnson

REPRESENTING: Same

SUBJECT: Request a variance to Ordinance No. 17-2014 for a multi-tenant building located at 3447 McGehee Road in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to operate a bar/lounge that will serve alcoholic beverages on the premises. The closest door is 60 ft. from the nearest residential district line, whereas 250 ft. is required.

Ord. No. 17-2014

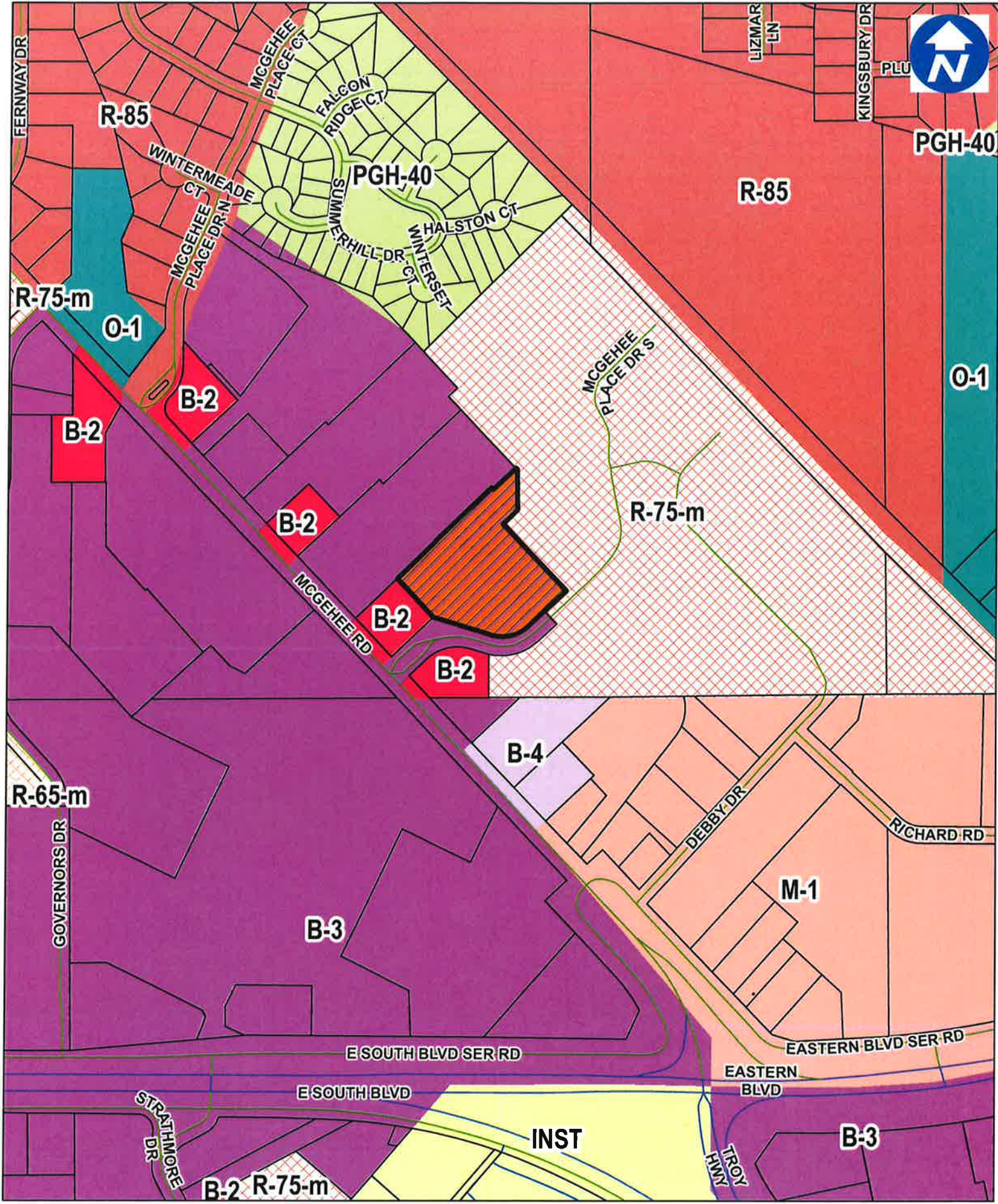
Buildings housing clubs, lounges, taverns, dance halls, musical entertainment facilities and other similar places of assembly, which serve alcoholic beverages on premise (excluding restaurants) as defined in Chapter 3, Section 3-1 of the Code of Ordinances of the City of Montgomery, Alabama, the minimum setback for structures shall be 250 ft. from any residential district boundary or planned unit development residential boundary (based on approved master plan). The distance for setback shall be measured from the closest door of the building, or closest door of a tenant space in a multi-tenant building, to any residential or PUD residential district line. Facilities operating prior to the adoption of this ordinance shall be considered legal non-conforming.

The request is a 190 ft. variance to Ord. No 17-2014

COUNCIL DISTRICT: 5

COMMENTS

ACTION TAKEN:



Site 

1 inch = 400 feet

Item 3A



Site Location 

1 inch = 100 feet

Item No. 3B

4. BD-1982-175 **PRESENTED BY:** Larry E. Speaks & Associates

REPRESENTING: Common Ground Montgomery

SUBJECT: Request a special exception for group housing to be located at 1516 Mobile Road in M-1 (Light Industrial) Zoning District and B-3 (Commercial) Zoning Districts.

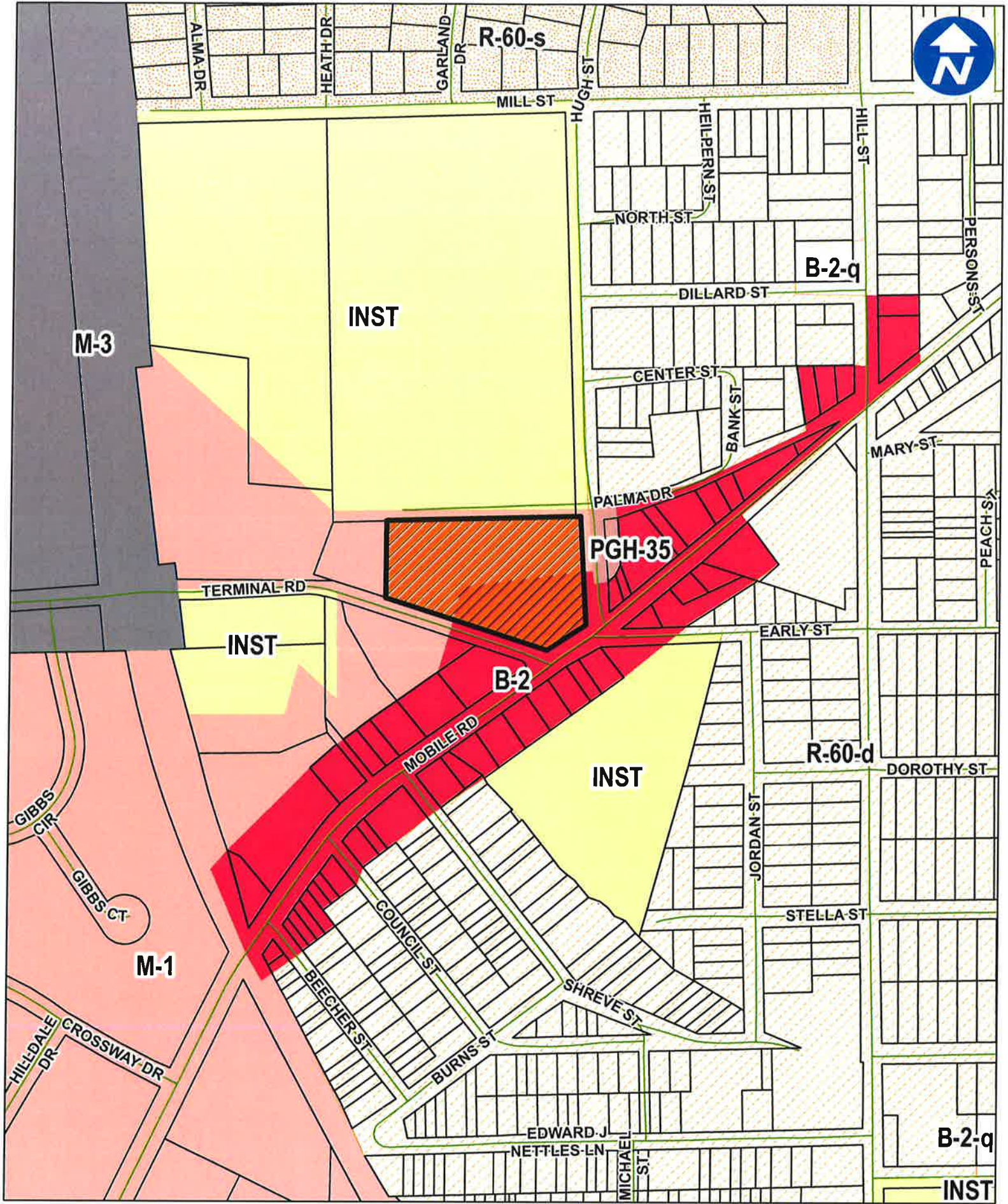
REMARKS: This request is being made to give the petitioner permission to construct a 75 person dormitory type group housing. We are providing a bunkhouse for visiting teams from around the country to come volunteer with us to help rebuild the community. They will come and help build and renovate homes in the community (in partnership with House to House community development), and help to run Summer, Spring, and Christmas break programming for under privileged kids, and also be trained by our staff how to replicate our impact in urban communities across the nation. They will stay up to a week at a time and will work with kids and on houses during the day. They will have an economic impact on the city through touring civil rights historical sites and by eating all their meals out while they are here. They also donate to many of our projects when they come so they help buy materials for homes and for kids camps. They are a huge help to our organization and to Montgomery. Many of the visiting volunteers have relocated here to work with us and other businesses here in the city.

The request is a special exception for a group housing.

COUNCIL DISTRICT: 4

COMMENTS _____

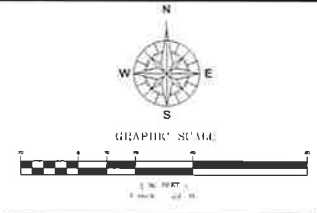
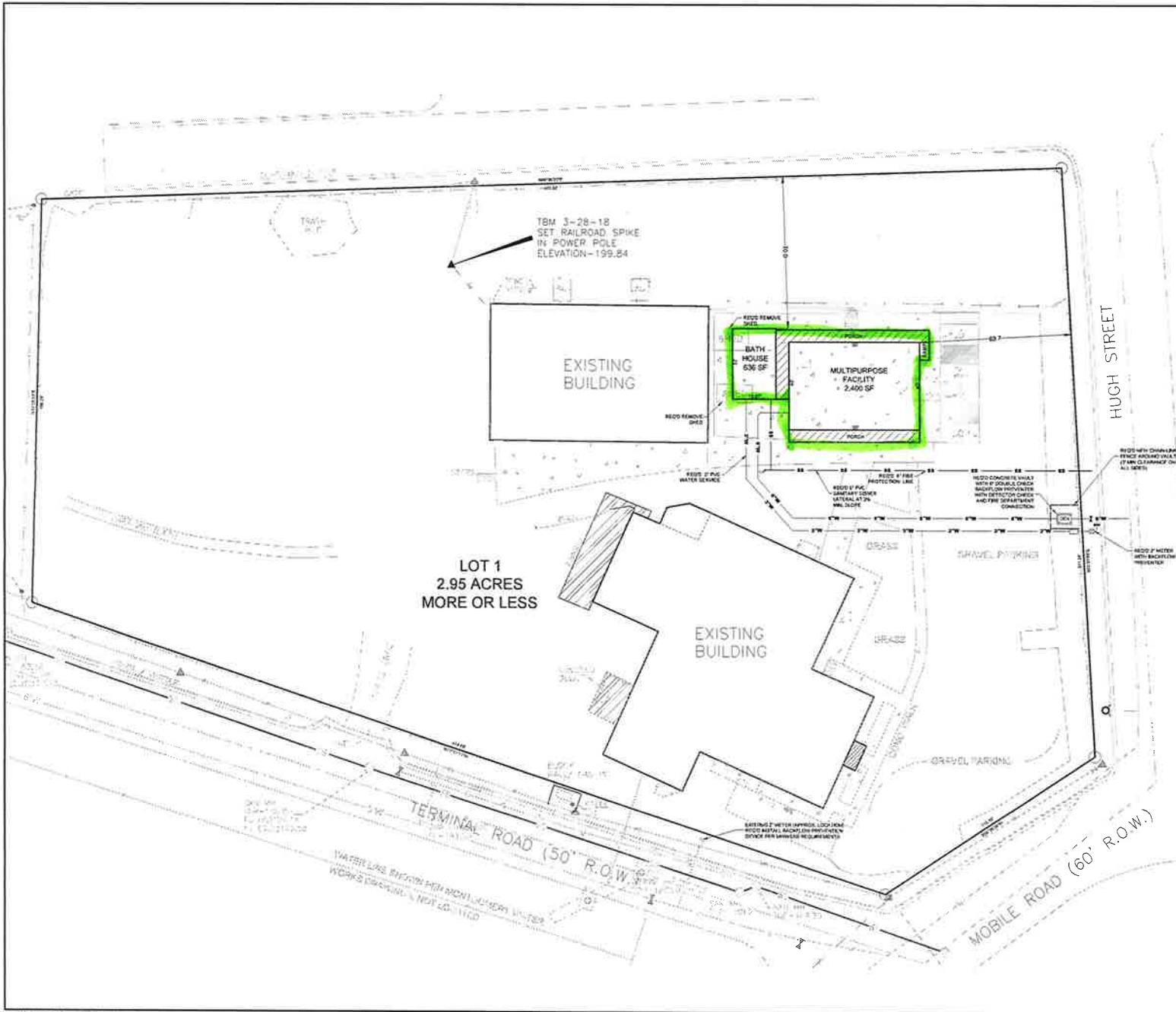
ACTION TAKEN: _____



Site 

1 inch = 300 feet

Item 4A



LEGEND:

EXISTING	PROPOSED
ASPHALT	GRAVEL
CONCRETE	CONCRETE
FOUND IRON PIPE	CONTOURS
CALCULATED POINT	SHALES
EXISTING CONTOUR	WATTLE
FIRE HYDRANT	SILT FENCE
POWER POLE/LINE/DUY	SANITARY SEWER
SANITARY SEWER MANHOLE	SANITARY SEWER
SANITARY SEWER MANHOLE	WATER SERVICE

NOTE: ELEVATIONS ESTABLISHED BY GPS ALD 60 ALD 07 S DIVISION CORS STATION MAD 83, MONTGOMERY COUNTY.

CITY OF MONTGOMERY DEVELOPMENT PLAN NOTES

- BEFORE WORK BEGINS WITHIN RIGHT-OF-WAY (ROW), CONTACT A CITY ENGINEERING INSPECTOR AT 241-2803.
- ALL UTILITY CONNECTIONS MADE WITHIN EXISTING CITY STREETS MUST BE BORDED UNLESS OTHERWISE DETERMINED BY CITY MAINTENANCE DEPARTMENT (241-2800). AN APPROVAL LETTER FROM MAINTENANCE WILL BE REQUIRED BEFORE DEVELOPMENT PLAN CAN BE APPROVED BY ENGINEERING.
- ANY STREET CUTS REQUIRE A CITY STANDARD PAVEMENT PATCH AND 50 FOOT LONG FULL STREET WIDTH ASPHALT OVERLAY.
- BEFORE ANY STREET CUTS, CONTACT DONALD THOMAS WITH CITY MAINTENANCE AT (334) 850-3727.
- DIRECT ALL STORM WATER INCLUDING ROOF DRAINS TO STREET ROW OR TO DRAINAGE BASINMENT.
- CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND MAINTAINING ADEQUATE EROSION/SEDIMENTATION CONTROL DURING ALL PHASES OF CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR KEEPING MUD AND DEBRIS OFF CITY STREETS AND ROW. CLEAN UP IS REQUIRED DAILY.
- CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT OF SIDEWALK ANY, OR CURB AND GUTTER DAMAGED DURING CONSTRUCTION.
- ANY CHANGES OR REVISIONS MADE TO SITE PLANS MUST BE SUBMITTED FOR APPROVAL.
- ALL AREAS OF ROW THAT ARE DISTURBED DURING CONSTRUCTION SHALL BE REPLACED WITH 50% ASPHALT OR CONCRETE, WHICHEVER ENGINEERING DEPARTMENT DECS.
- CONVERT ALL GRATE INLETS TO "S" TYPE INLETS.
- ALL EXISTING GRANITE CURBS ADJACENT TO THE PROPERTY SHALL BE REMOVED AND REPLACED WITH 24" COMBINATION CURB AND GUTTER. THE NEW CURB LINE SHALL MATCH THE EXISTING CURB LINE. ALL ASPHALT ADJACENT TO THE PROPOSED CURB AND GUTTER SHALL BE SAW CUT THE FULL DEPTH OF THE ASPHALT TO PROVIDE A CLEAN EDGE. SHOULD THE ASPHALT BE DIRT OR A ROUGH EDGE CREATED, THE CONTRACTOR SHALL BE REQUIRED TO OVERLAY THE FULL STREET WIDTH AT HIS OWN EXPENSE. THIS DETERMINATION SHALL BE MADE BY THE CITY ENGINEERING DEPARTMENT.
- PROVIDE HANDICAP RAMPS AT ALL SIDEWALK AND DRIVEWAY INTERSECTIONS.
- ALL WATER & SEWER IMPROVEMENTS SHALL MEET THE SPECIFICATIONS OF THE MONTGOMERY WATER WORKS & SANITARY SEWER DEPT.
- CONTRACTOR TO WRAP ALL D.I. PIPE.
- 35' OF COVER IS REQUIRED AT ALL TIMES OVER WATER AND SANITARY SEWER MAINS.
- ALL UNUSED WATER AND SANITARY SEWER SERVICES MUST BE CAPPED WITH WATER SERVICES BEING KILLED AT THE MAN.
- PRIVATE SANITARY SEWER LATERAL SHALL BE AIR TESTED IN COMPLIANCE WITH MWS&S STANDARDS PRIOR TO BEING PUT IN SERVICE.

NOTE: THE CONTRACTOR SHALL PROVIDE, ESTABLISH, AND MAINTAIN TEMPORARY EROSION CONTROL BEST MANAGEMENT PRACTICES TO CONTROL EROSION DURING THE LIFE OF THE PROJECT, BOTH ON AND BEYOND THE PROJECT LIMITS.

NOTE: THE CONTRACTOR SHALL PROVIDE A CASHIERS CHECK CERTIFIED CHECK, LETTER OF CREDIT, OR CORPORATE SURETY BOND IN THE AMOUNT OF \$1000 TO THE CITY OF MONTGOMERY FOR GRADING PERMIT PRIOR TO BEGINNING CONSTRUCTION. IN ADDITION TO THE GRADING PERMIT APPLICATION FEE OF \$600, CONTRACTOR SHALL COORDINATE WITH THE ENGINEER PRIOR TO SUBMITTING SECURITY.

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PHASE I MULTIPURPOSE FACILITY COMMON GROUND MONTGOMERY LOCATED IN THE SOUTH 1/2 OF SECTION 14 T8N, R16E MONTGOMERY COUNTY, ALABAMA

NO.	DATE	DESCRIPTION

DRAWING TITLE: SITE & UTILITY PLAN

SHEET: 2



Site Location

1 inch = 100 feet

Item No. 40

COMPLAINT

5. BD-2018-036 **PRESENTED BY:** Fredy DeLeon

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 627 Lynwood Drive in an R-100 (Single-Family Residential) Zoning District.

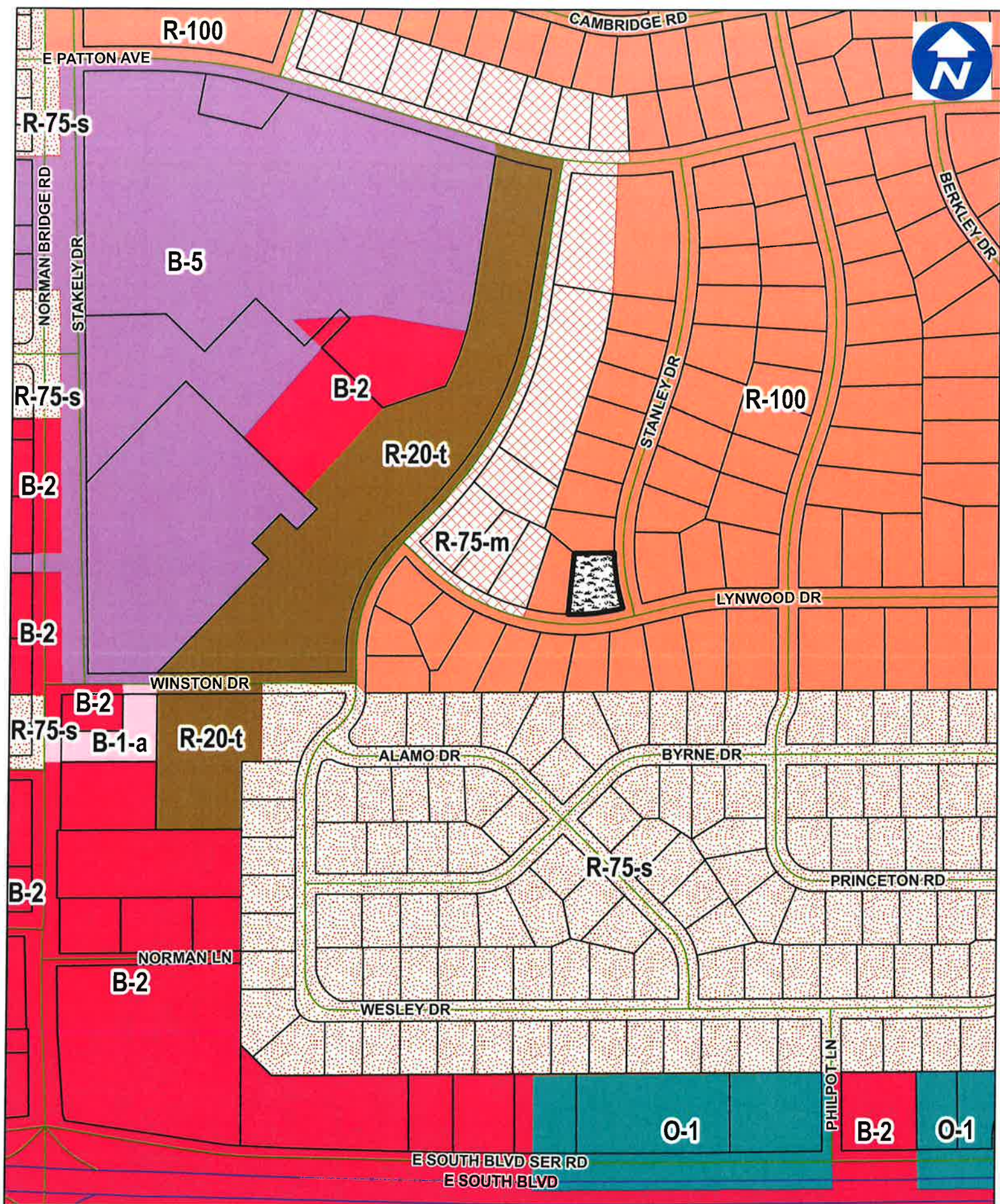
REMARKS: This request is being made to give the petitioner permission to keep four (4) chickens. The applicant has been given the chicken guidelines and is in compliance.

The request is a special exception to keep four (4) chickens.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 300 feet

Item 5A



Site Location 

1 inch = 40 feet

Item No. 5B

COMPLAINT

6. BD-2018-034 **PRESENTED BY:** Francisco Lopez-Ramirez

REPRESENTING: Same

SUBJECT: Request a special exception to keep chickens at 28 Fairlane Drive in an R-100 (Single-Family Residential) Zoning District.

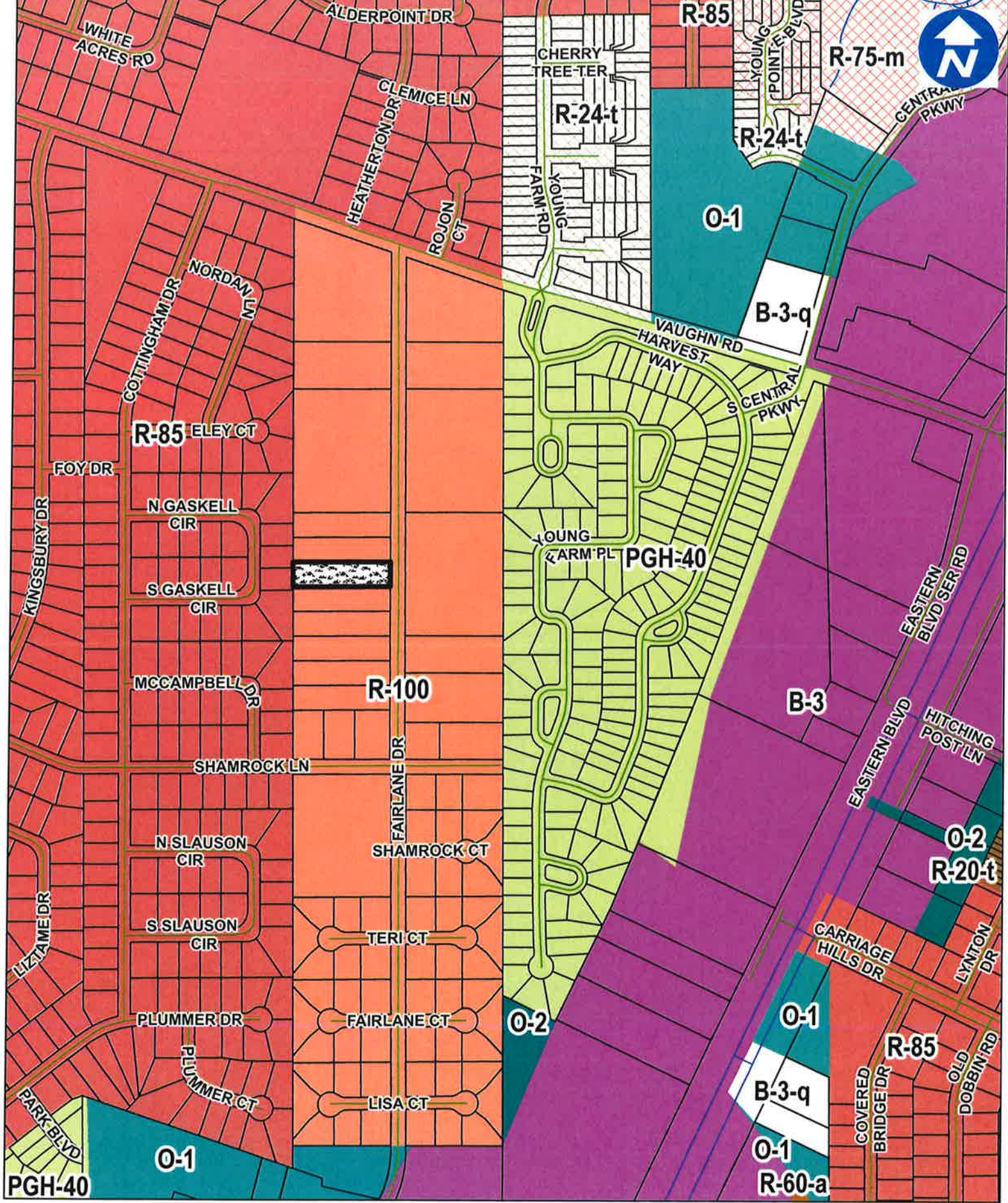
REMARKS: This request is being made to give the petitioner permission to keep a maximum of 10 chickens (no roosters). The petitioner has two (2) chicken coops located near the center of an almost one (1) acre lot. The petitioner has been given the chicken guidelines and is in compliance.

The request is a special exception to keep 10 chickens.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 500 feet

Item 6A



Site Location

1 inch = 60 feet

Item No. 6B

7. BD-2018-033 **PRESENTED BY:** Annetta Tate

REPRESENTING: Fruitful Ground Ministries

SUBJECT: Request a special exception for a church and private school to be located at 2813 East South Boulevard in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to use an existing building for church use and a private school. There are several facets of this ministry which include church services on Sunday and Wednesday, life enrichment, career development and readiness, and a full academic program (see attached brochure). The online distant learning program will accommodate up to 20 students, Monday-Friday, 7:00 a.m.-5:00 p.m.

The requests are special exceptions for a church and private school.

COUNCIL DISTRICT: 5

COMMENTS _____

ACTION TAKEN: _____

About Our Program

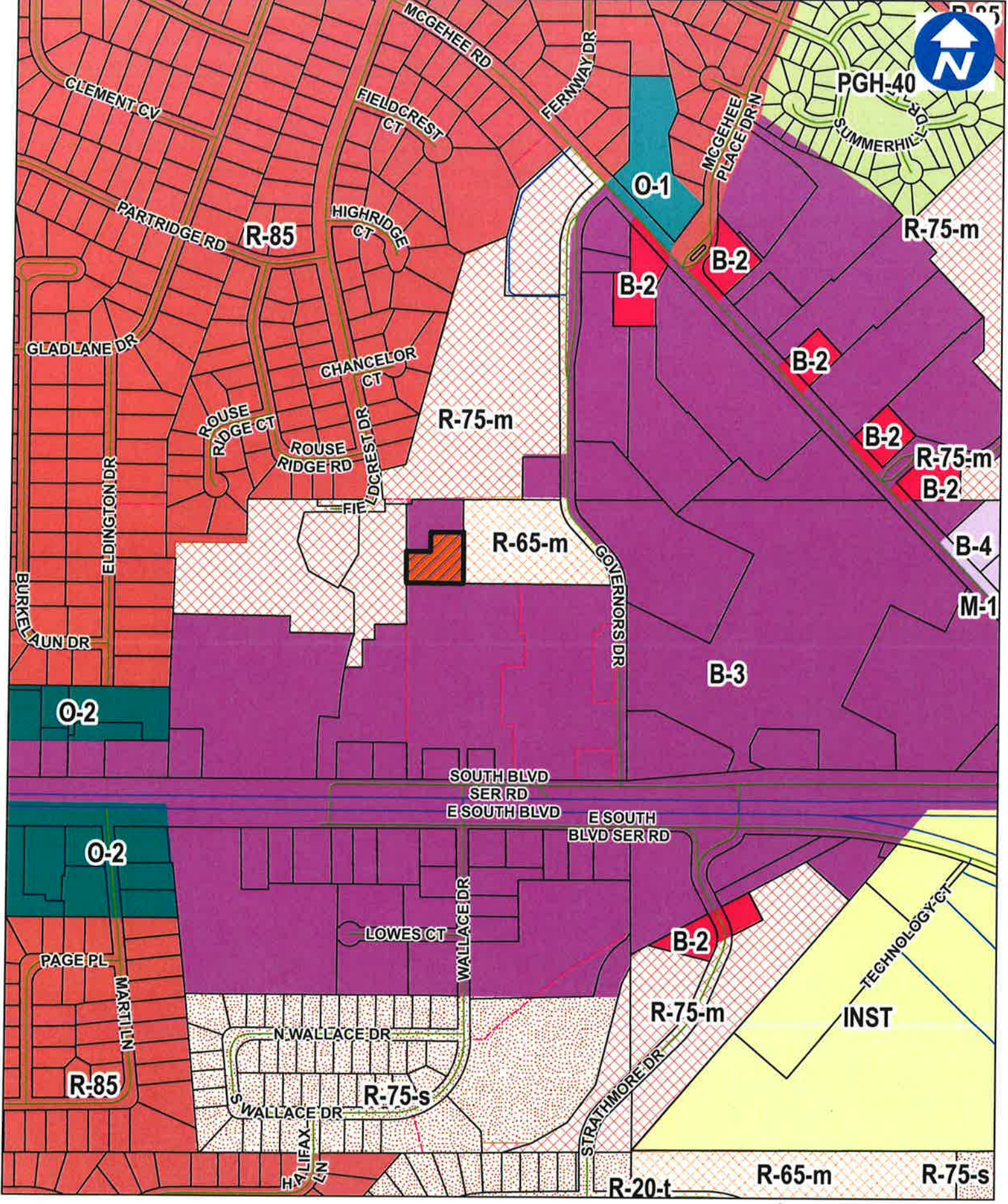
Our program is a Christian based training program that encompasses several facets.

Learning Center Training Stations:

- ◆ Bible Training and Character Building
All Age Groups
- ◆ Bible Based Academic Program
Fully accredited on line distant learning program
Ages 5—Teen
 - ◆ Building Self Esteem
All Age Groups
 - ◆ Life Enrichment
Basic life skills
Money Management
Pre -teen /Teen
 - ◆ Career Development
Dressing for Success
Goal setting and preparing for life career choices
Pre-teen/Teen
- ◆ Camp Mad Summer Enrichment
Bible time, activities, arts and crafts, academic enrichment in math and reading.
Ages 4- 12
- ◆ Special Interest Groups
 - Drama and Dance Camp
Ages 5—Teen
 - Art Club
Ages 9 -Teen
 - Sewing Club
Ages 9 - Teen

*Hours and times vary depending on full or part time registration.

Open enrollment beginning in July.



Site 

1 inch = 500 feet
 Item 7B



ROUSE
RIDGE RD

FIELDCREST DR

GOVERNORS DR



SOUTH BLVD
SER RD

E SOUTH BLVD

WALLACE
DR
DR
MEDIAN
DR

E SOUTH
BLVD
SER RD

Site 

1 inch = 200 feet

Item 7C

8. BD-2018-038 **PRESENTED BY:** Jarvis & Barbara Williams

REPRESENTING: Tropical Freeztopia

SUBJECT: Request a front yard variance for an existing building located at 5771 Woodmere Boulevard in a B-3 (Commercial) Zoning District.

REMARKS: This request is being made to give the petitioner permission to maintain a 16 ft. x 10 ft. concession building that comes within 0.97 ft. of the front property line (Woodmere Boulevard) property line, whereas 30 ft. is required.

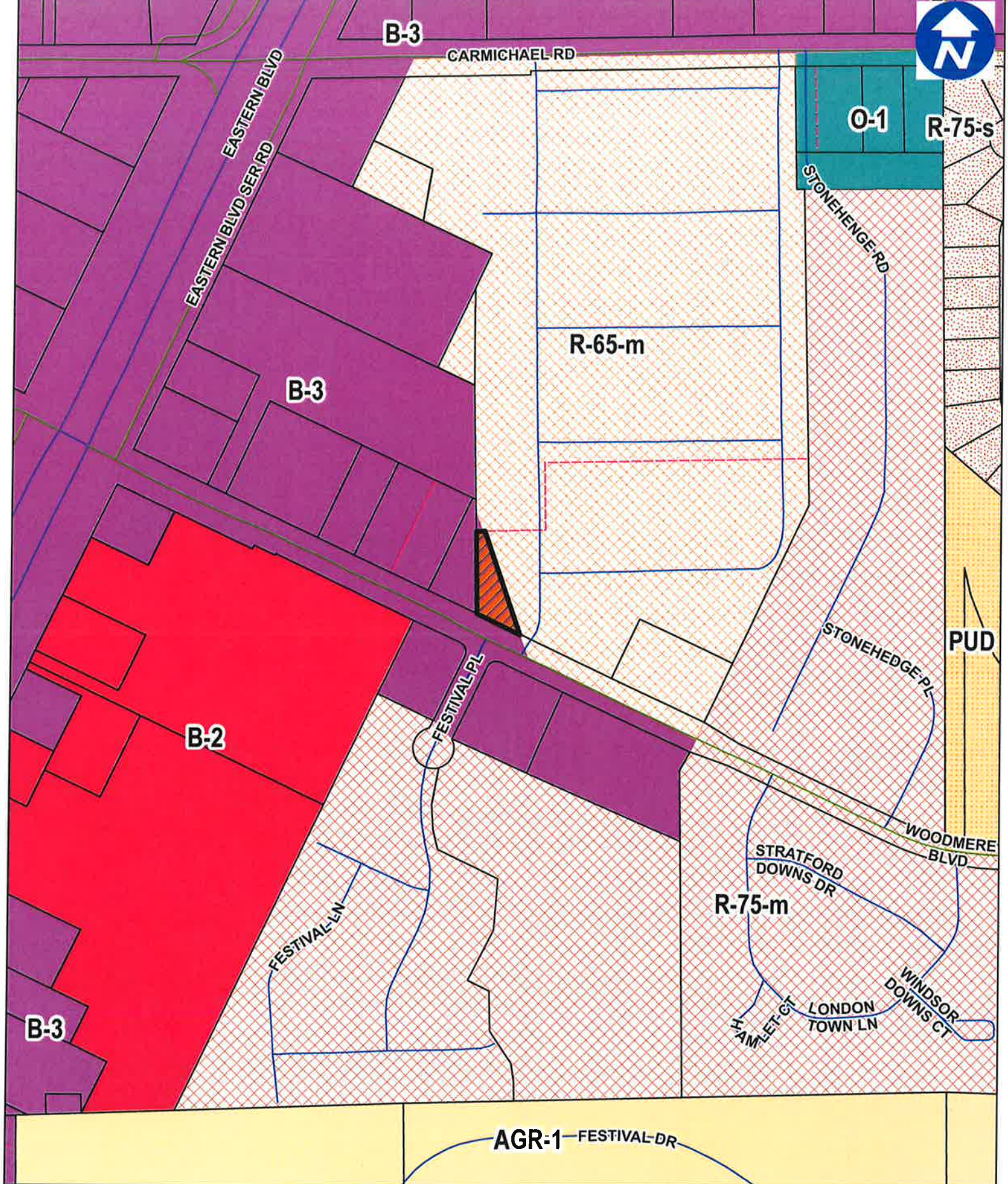
Land Use Division: The applicant placed the building not knowing a building permit was required.

The request is a 29.03 ft. front yard variance.

COUNCIL DISTRICT: 9

COMMENTS _____

ACTION TAKEN: _____



Site 

1 inch = 300 feet

Item 8A



Site Location 

1 inch = 30 feet

Item No. 8B