

# Board of Adjustment Agenda

November 15, 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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**Land Use 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 October 18, 2018 meeting

**November 15, 2018**

<u>Item</u>	<u>File</u>	<u>Petitioner</u>	<u>Zone</u>	<u>Location/Request</u>	<u>Page</u>
1.	2018-057	Franklin Deville	R-100	3651 Edgar D. Nixon Avenue (Privacy fence)	1
2.	2018-065	Marion Code	FH	4959 Caddell Street (Mobile home)	2
3.	2018-063	The Church of Encouragement	B-5	3325 Pelzer Avenue (Church – special exception)	3
4.	2018-062	Robert & Lisa Knapp	R-60-s	2100 Madison Avenue (Privacy fence)	4
5.	2018-064	Kevin L. Knott	R-75-s	2000 Briar Gate Drive (Sanitary facilities in Accessory Structure)	5
6.	1965-049	Samai Argueta	B-4	15 West South Boulevard (Church – special exception)	6
7.	2018-061	Kyle A. Robinette	R-75-s	3112 Lexington Road (Coverage variance – Accessory Structure)	7
8.	2018-020	Flowers & White Engineering	AGR-1	Vaughn Road (Setback variances)	8
9.	1986-152	Rev. Charles Thomas & Clinton Boyd	B-2	1943 Rosa L. Parks Avenue (ID Sign – front yard variance)	9
10.	2018-066	Rakesh Patel	PUD	9664 Irving Lane (Side yard variance & coverage variance)	10

*The next Board of Adjustment meeting is on December 20, 2018*

1. BD-2018-057 **PRESENTED BY:** Franklin Deville

**REPRESENTING:** Same

**SUBJECT:** Request a height variance for a new privacy fence to be located at 3651 Edgar D. Nixon Avenue in an R-100 (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a new 10 ft. high privacy fence in the rear yard, whereas 7 ft. is allowed.

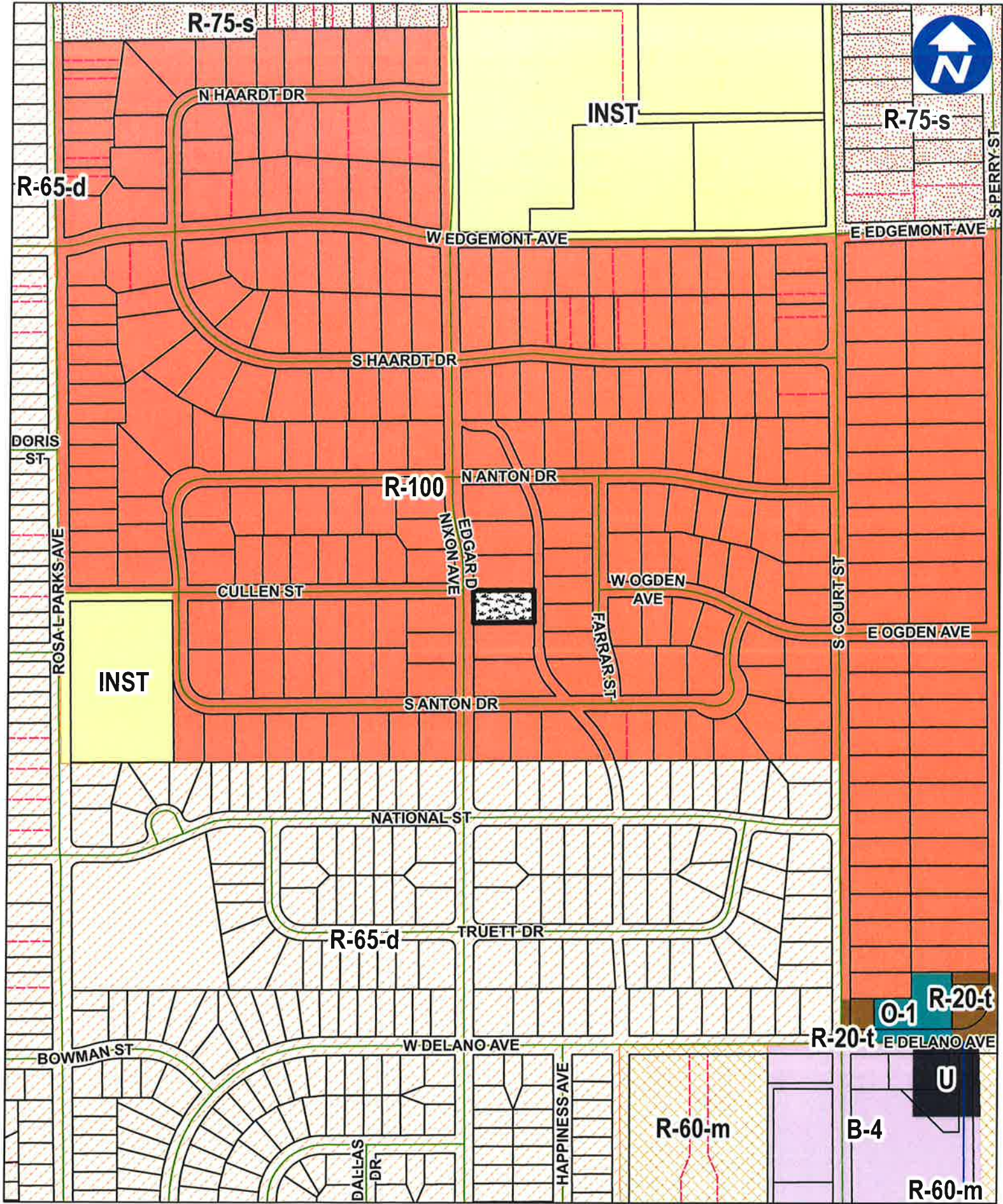
*This request was delayed at the October 18, 2018 meeting, due to no one being present to present the request.*

*The request is a 3 ft. height variance.*

**COUNCIL DISTRICT:** 7

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

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



Site 

1 inch = 400 feet

Item IA



EDGARD NIXON AVE

CULLEN ST



Proposed  
10 ft. fence

Site

1 inch = 50 feet

Item 1.B

2. BD-2018-065 **PRESENTED BY:** Marion Code

**REPRESENTING:** Same

**SUBJECT:** Request a special exception to place a mobile home for living purposes and to maintain an accessory structure without a main dwelling located at 4959 Caddell Street in a FH (Flood Hazard) Zoning District.

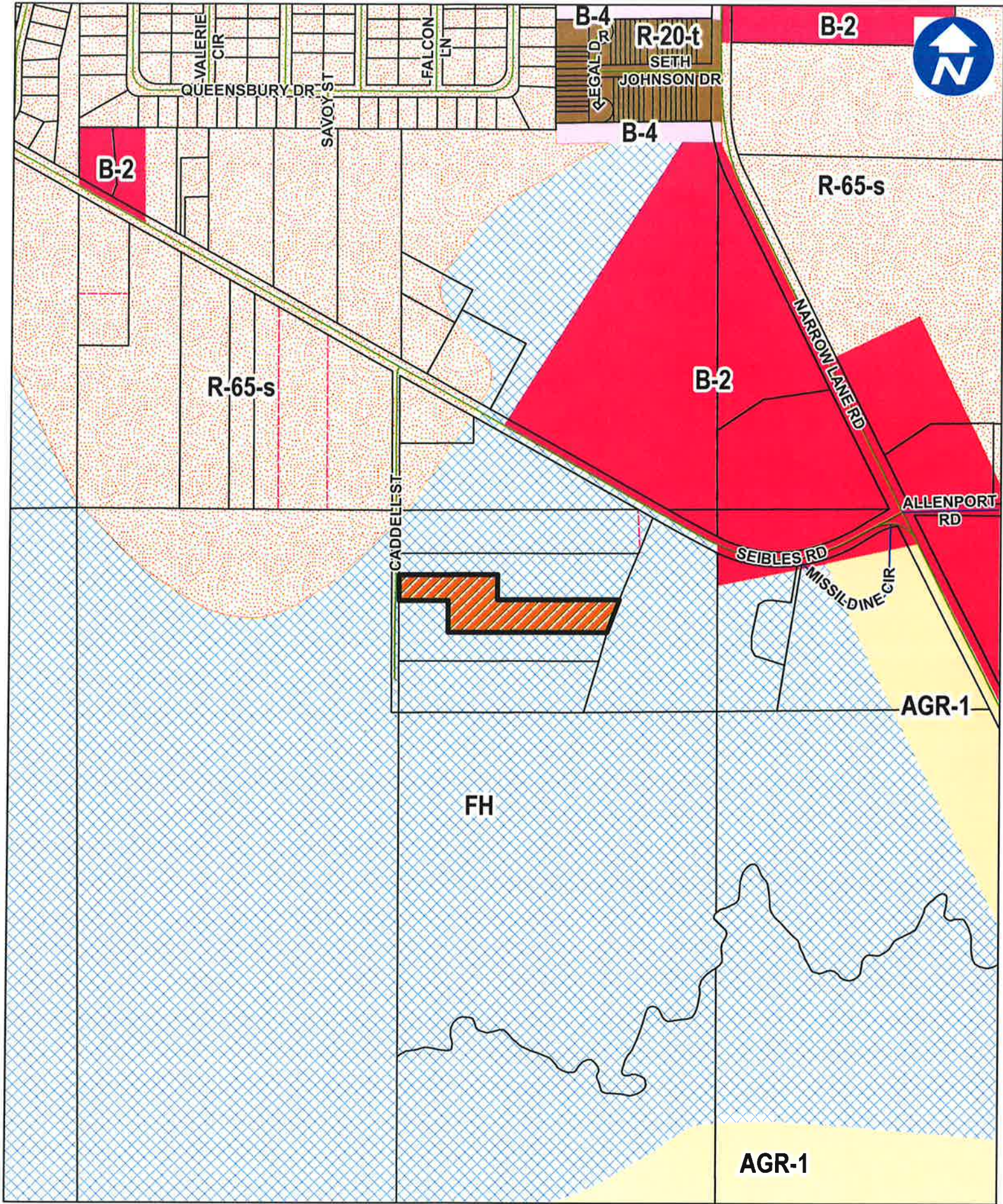
**REMARKS:** This request is being made to give the petitioner permission to place a mobile home for living purposes on a 3-acre parcel. The mobile home will be placed a minimum of 50 ft. off the front property line. It is not known exactly when the mobile home will be placed on the property, if approved. There is an existing 10 ft. x 20 ft. accessory structure that is being used to store equipment to maintain the property. A main dwelling is required to have an accessory structure.

*The requests are a special exception for a mobile for living purposes and to maintain an accessory structure without a main dwelling.*

**COUNCIL DISTRICT: 5**

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

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



Site 

1 inch = 500 feet

Item 2A



Site Location 

1 inch = 200 feet

Item No. 2B



3. BD-2018-063 **PRESENTED BY:** The Church of Encouragement

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for church use in an existing building located at 3325 Pelzer Avenue in a B-5 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to use an existing building for church purposes. There are an average of 60-70 members, with a peak attendance of approximately 100. There is ample crossover parking within the shopping center.

**Services:**

Sunday Service: 8:00 a.m. – 11:00 a.m.

Tuesday Choir practice: 6:00 p.m.

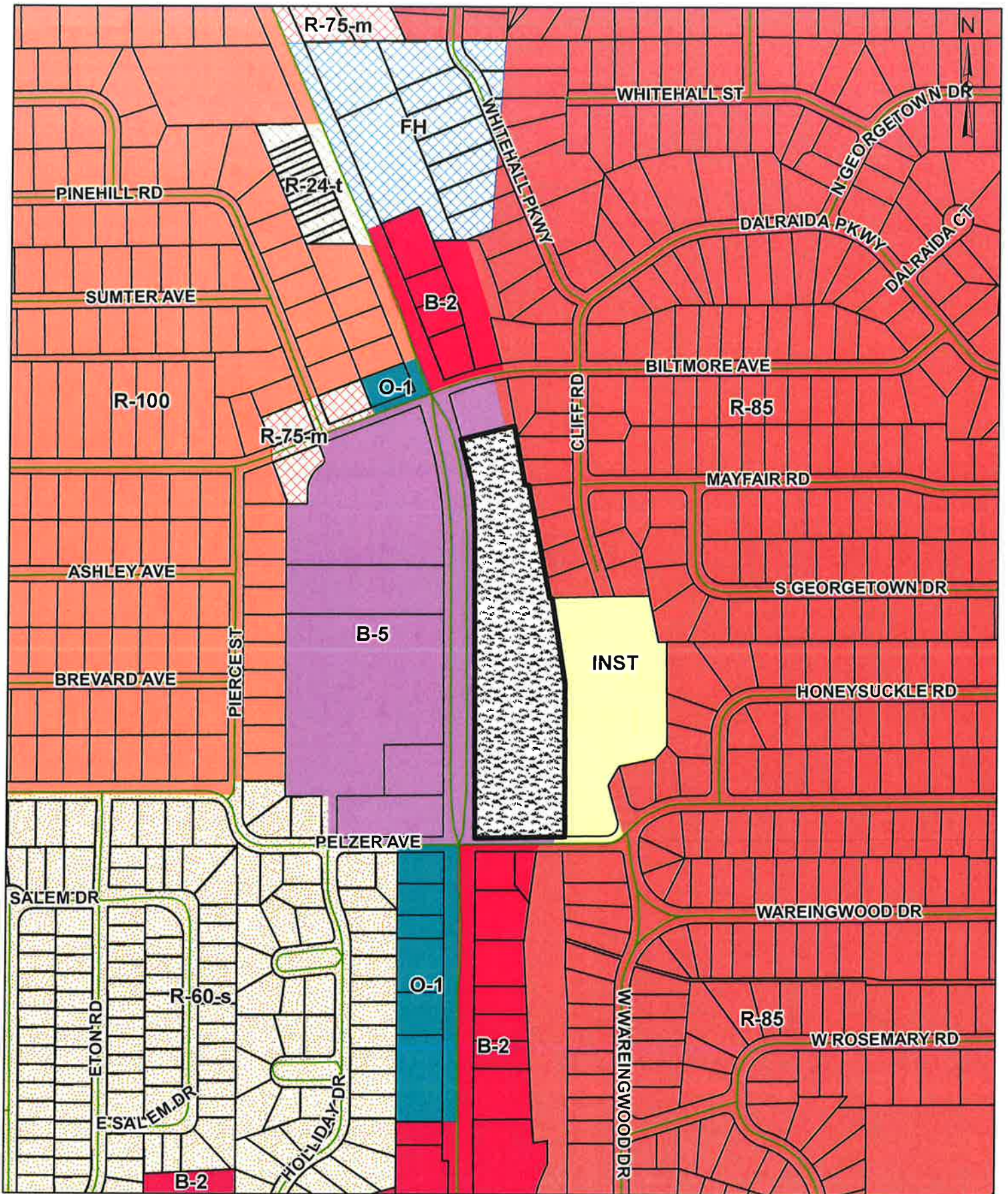
Tuesday Bible study: 7:00 p.m.

*The request is a special exception for church use.*

**COUNCIL DISTRICT: 2**

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

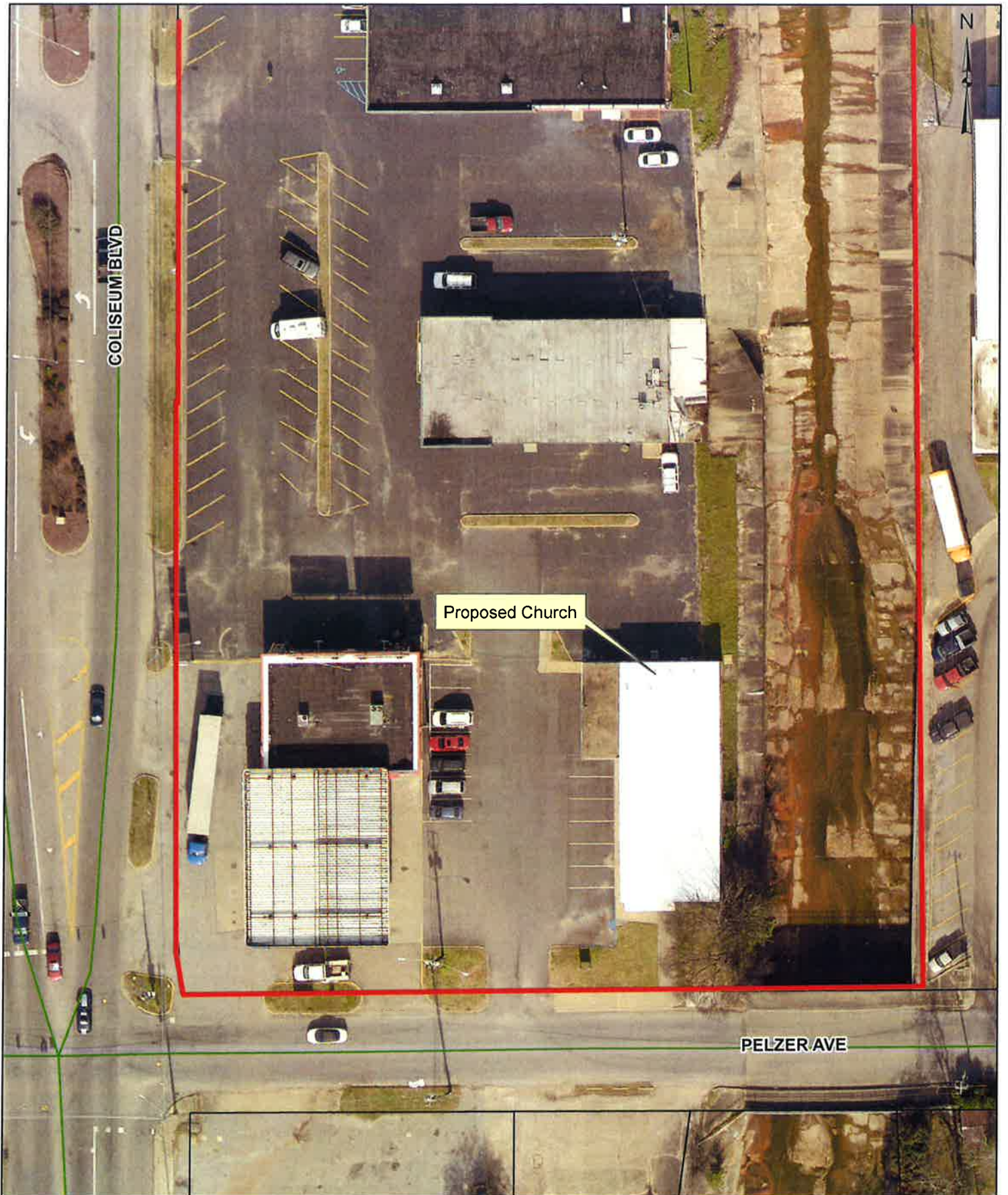
*ACTION TAKEN:* \_\_\_\_\_



Site Location 

1 inch = 400 feet

Item No. 3A



Site Location

1 inch = 50 feet

Item No. 3B

4. BD-2018-062 **PRESENTED BY:** Robert & Lisa Knapp

**REPRESENTING:** Same

**SUBJECT:** Request a height variance and street side yard variance for a new privacy fence to be located at 2100 Madison Avenue in an R-60-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 6 ft. high privacy fence, whereas 3 ft. is allowed. The fence will come to the street side yard property line (South Maryland Street), whereas a 20 ft. is required.

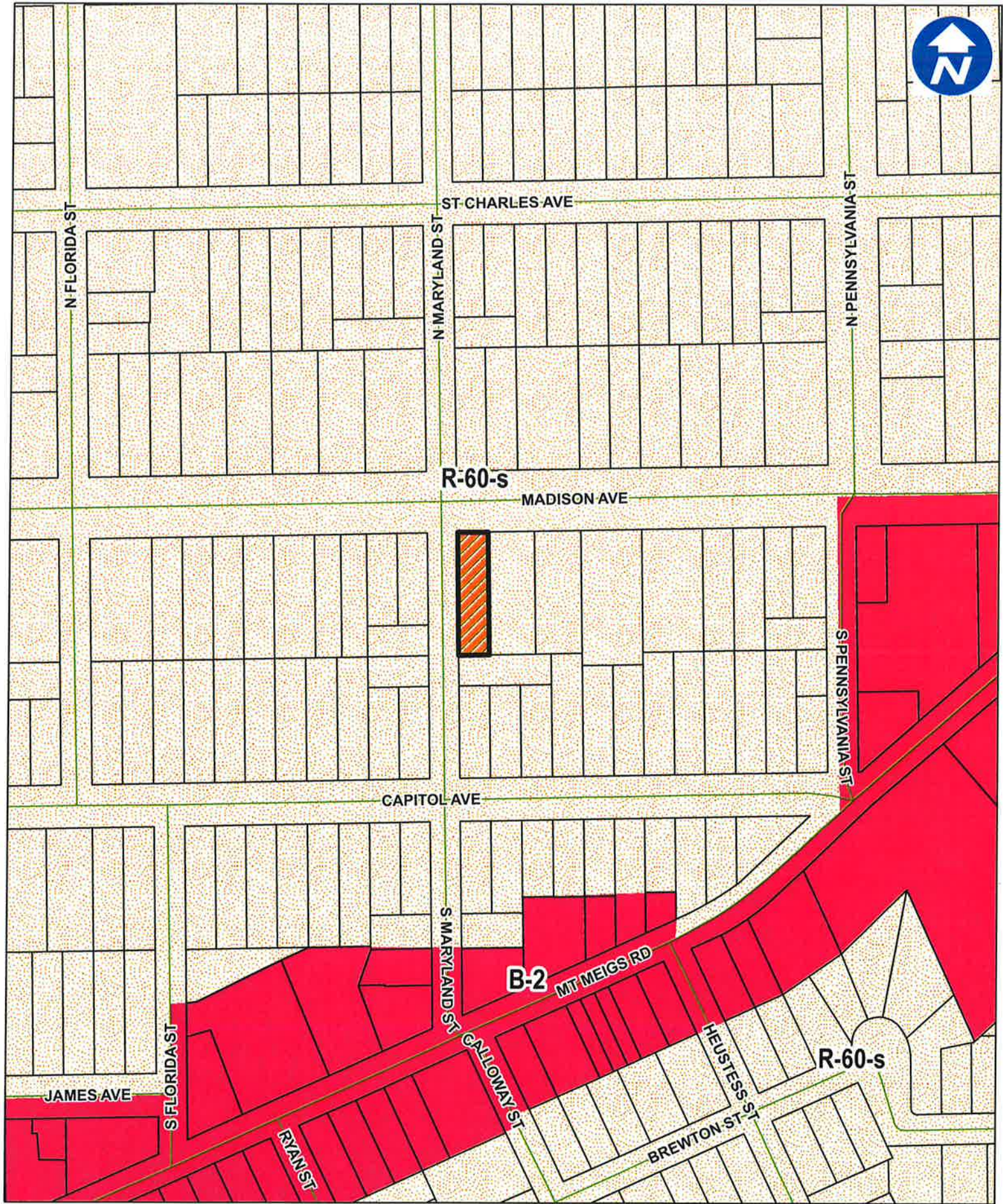
The Architectural Review Board approved the fence at the October 23, 2018 meeting.

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

**COUNCIL DISTRICT: 3**

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

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



Site 

1 inch = 200 feet

Item 4A



Site Location

1 inch = 30 feet

Item No. 4B

5. BD-2018-064 **PRESENTED BY:** Kevin L. Knott

**REPRESENTING:** Same

**SUBJECT:** Request a special exception for sanitary facilities in an accessory structure located at 2000 Briar Gate Drive in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to install sanitary facilities in a 12 ft. x 32 ft. accessory structure that will be used for recreational purposes.

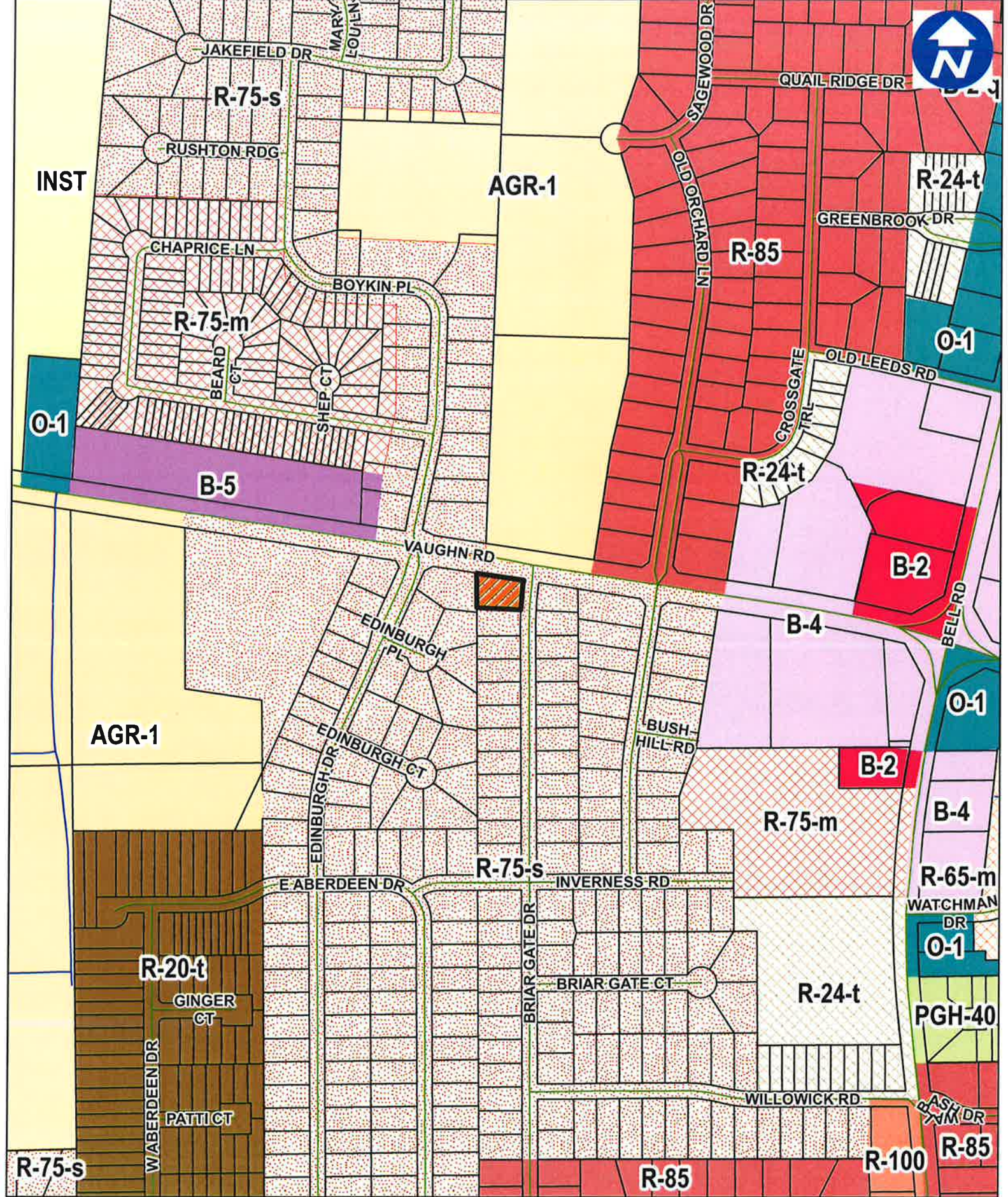
**Land Use Division:** If approved, it will be required that the structure not be used for living purposes.

*The request is a special exception for sanitary facilities in an accessory structure.*

**COUNCIL DISTRICT: 8**

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

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



Site 

1 inch = 400 feet

Item 5A





Site Location

1 inch = 40 feet

Item No. 5B

6. BD-1965-049 **PRESENTED BY:** Samai Argueta

**REPRESENTING:** The Light of the World Church

**SUBJECT:** Request a special exception for church use in an existing building located at 15 West South Boulevard in a B-4 (Commercial) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to use an existing building for church purposes. There are 12 parking spaces onsite and cross-over parking in the adjoining shopping center.

**Services:**

Monday – Saturday: 5:00 a.m. – 11:00 a.m.

Sunday: 10:00 a.m. and 5:00 p.m.

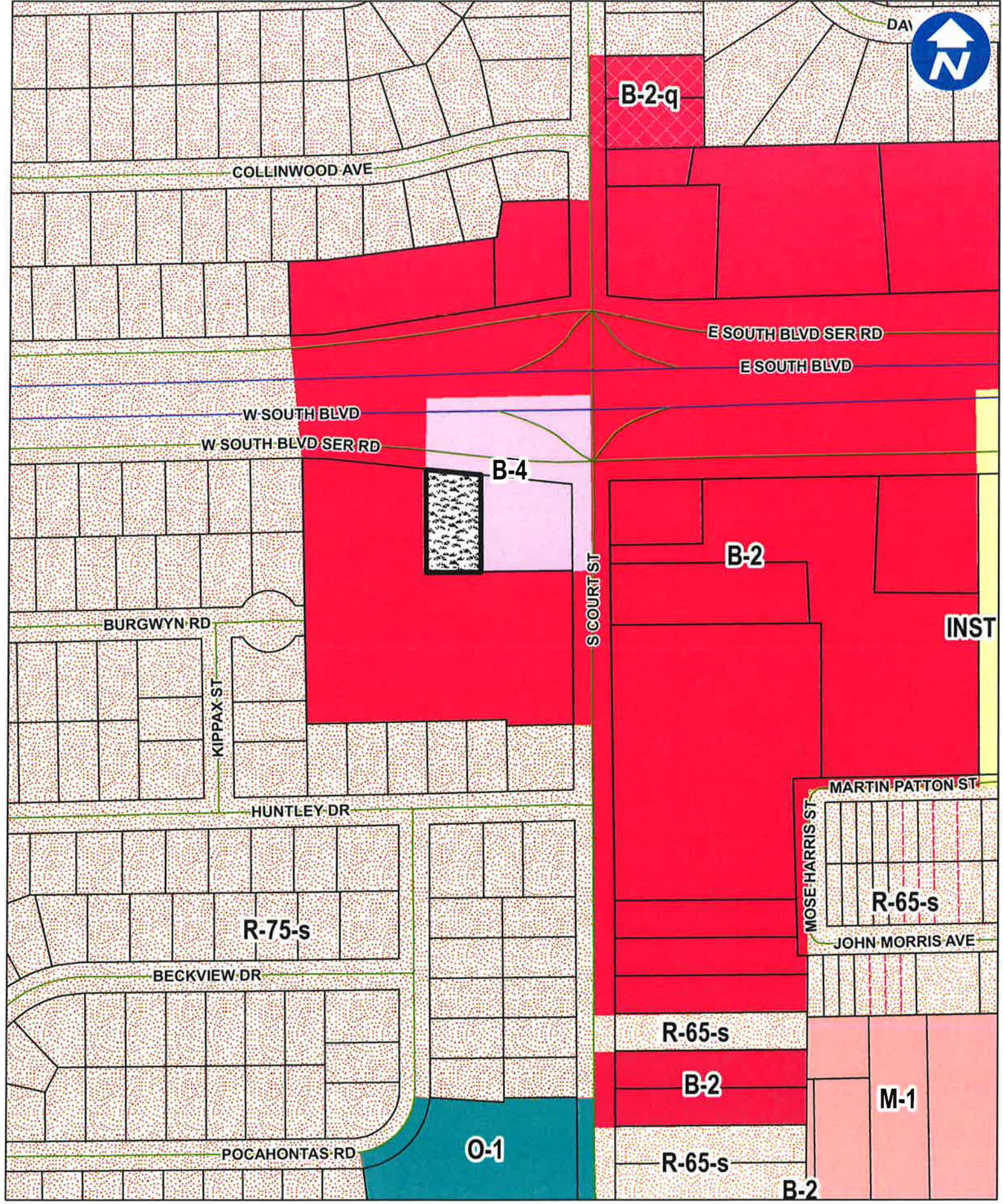
There are additional activities for special holidays.

*The request is a special exception for a church use.*

**COUNCIL DISTRICT: 5**

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

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



Site 

1 inch = 200 feet

Item 6A



W SOUTH BLVD

W SOUTH BLVD

W SOUTH BLVD OFF RAMP

W SOUTH BLVD SER RD

S COURT ST

Proposed Church

N

Site Location

1 inch = 50 feet

Item No. 6B

7. BD-2018-061 **PRESENTED BY:** Kyle A. Robinette

**REPRESENTING:** Same

**SUBJECT:** Request a coverage variance for an accessory structure to be located at 3112 Lexington Road in an R-75-s (Single-Family Residential) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to construct a 1,040 sq. ft. (26 ft. x 40 ft.) accessory structure, whereas 675 sq. ft. is allowed. There is an existing accessory structure 48 sq. ft. (6 ft. x 8ft.) on site.

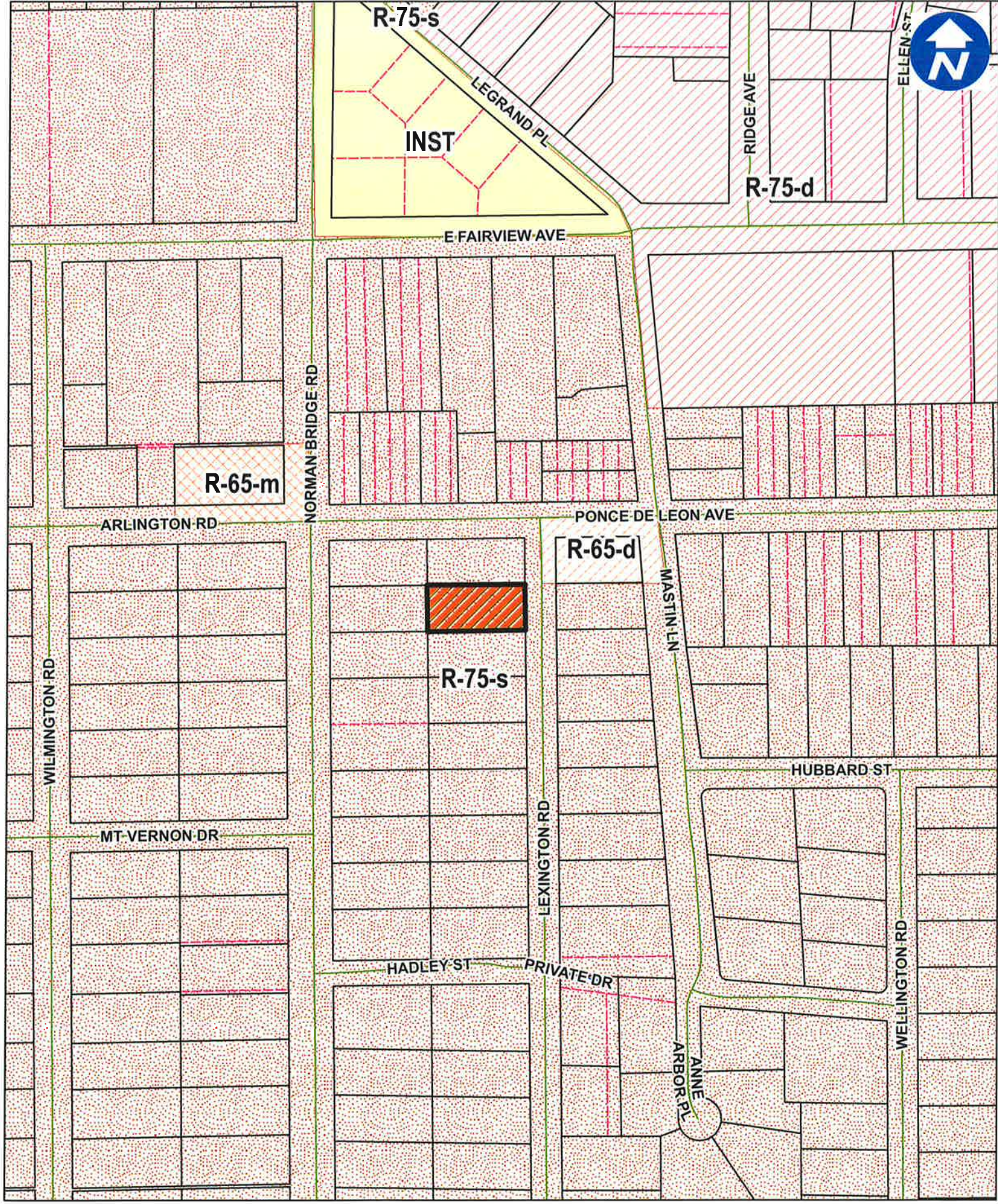
The proposed accessory structure will be heard at the November 14, 2018 Architectural Review Board meeting.

*The request is a 413 sq. ft. coverage variance.*

**COUNCIL DISTRICT:** 7

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

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



Site 

1 inch = 200 feet

Item 7A



PONCE DE LEON AVE

LEXINGTON RD

Proposed Garage

Site Location

1 inch = 30 feet

Item No. 7B

8. BD-2018-020 **PRESENTED BY:** Flowers & White Engineering

**REPRESENTING:** Legendary Living Montgomery

**SUBJECT:** Request a setback variances for a new 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 have a 20 ft. setback on the east and west property lines where property does not abut residential lots, whereas 35 ft. is required.

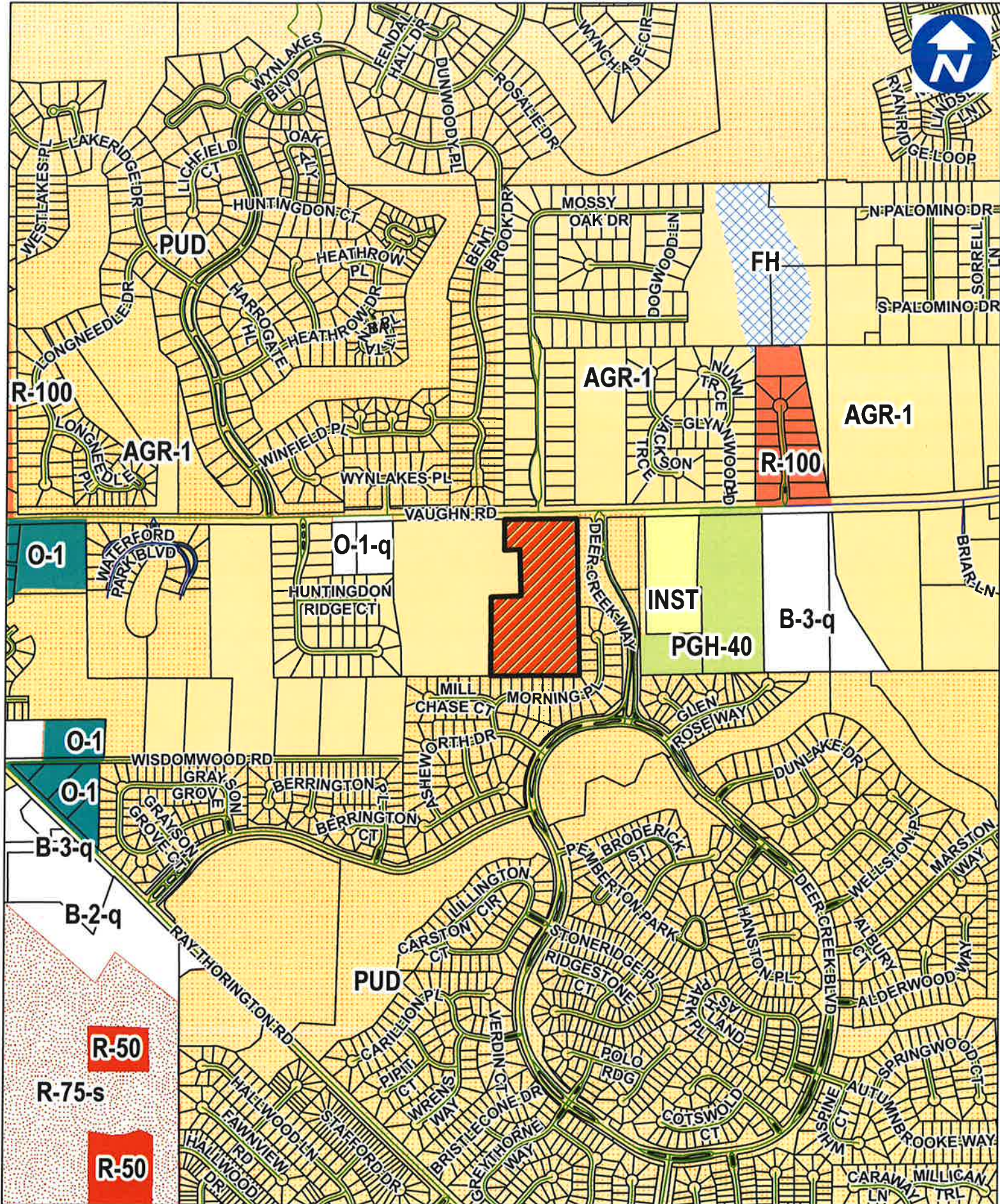
*The request is a 15 ft. setback variance on the east and west property lines.*

**COUNCIL DISTRICT: 8**

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

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





1 inch = 1,000 feet

Site 

Item 8A

*Legendary*



STARLING

# Legendary Living Montgomery

Proposed Product Matrix / Site Layout

October 17, 2018

rosemann

ARCHITECTS



**S D C A**  
SOUTHERN DESIGN CONCERNS  
OF ATLANTA

ARCHITECTS



8B

*Legendary*



STARLING

# Legendary Living Montgomery

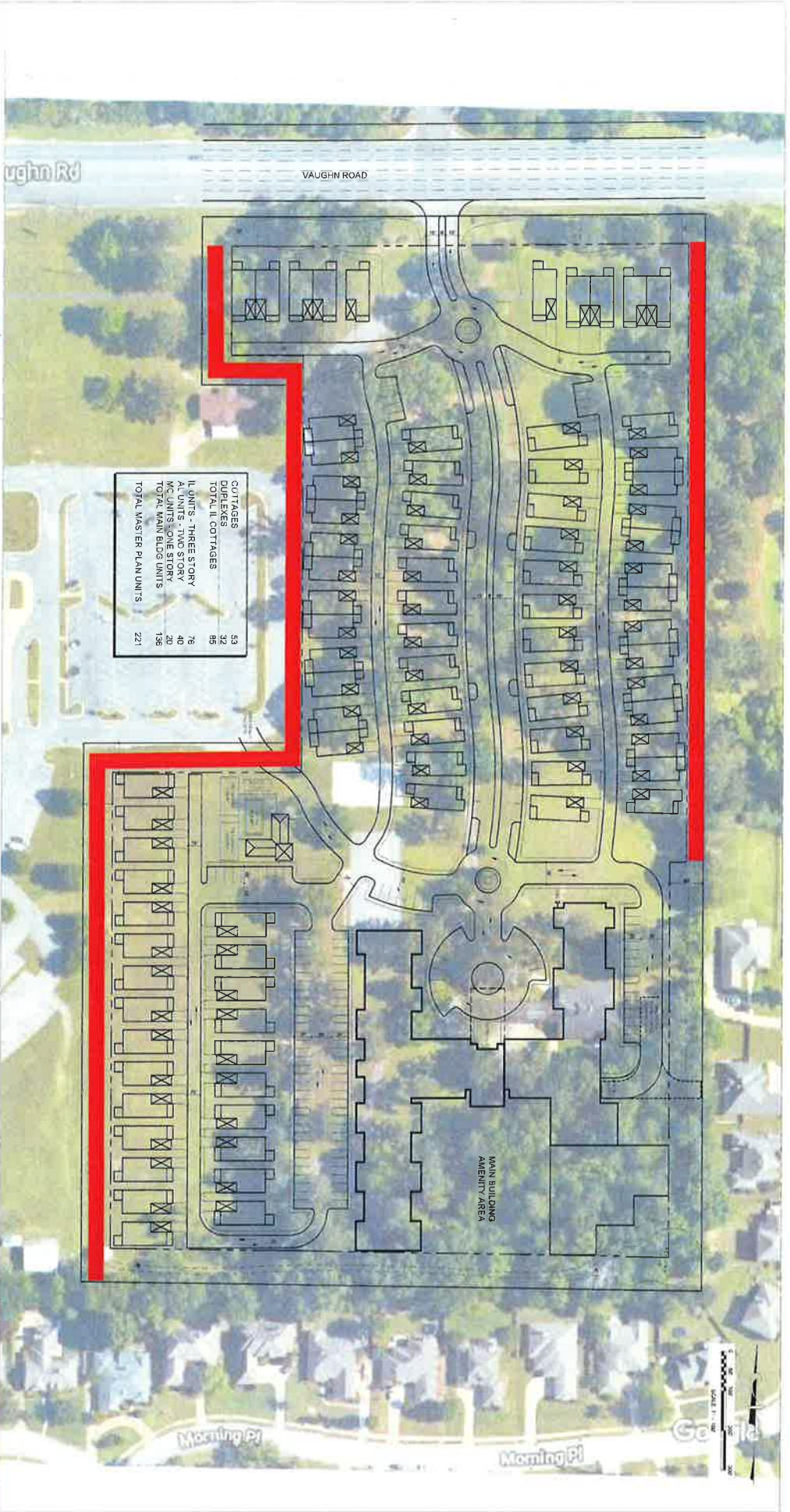
Proposed Product Matrix / Site Layout

October 17, 2018

rosemann



**S D C M**  
SOUTHERN DESIGN CONCERNS  
ARCHITECTURAL INTERIORS PLANNING



80



Site 

1 inch = 400 feet

Item 8.D

9. BD-1986-152 **PRESENTED BY:** Rev. Charles Thomas and Clinton Boyd

**REPRESENTING:** New Life Baptist Church

**SUBJECT:** Request a front yard variance for a new ID sign to be located at 1943 Rosa L. Parks Avenue in a B-2 (Commercial) Zoning District.

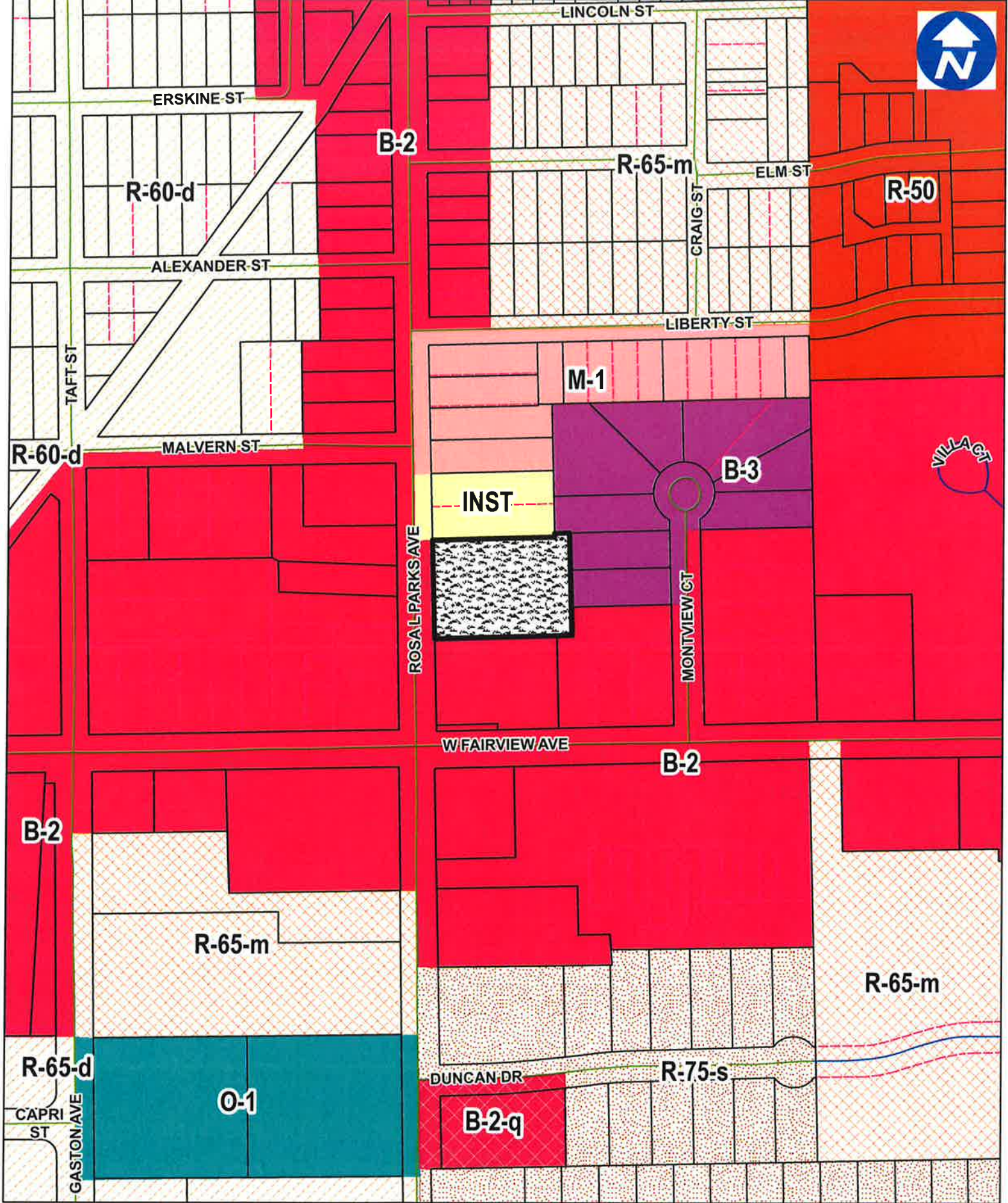
**REMARKS:** This request is being made to give the petitioner permission to construct an new ID sign to come within 10 ft. of the front property line, whereas 35 ft. is required.

The request is a 25 ft. front yard variance for a new ID sign.

**COUNCIL DISTRICT:** 7

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

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



Site 

1 inch = 200 feet

Item 9A



ROSA L PARKS AVE

Proposed ID sign

Site Location



1 inch = 40 feet

Item No. 9B

10. BD-2018-066 **PRESENTED BY:** Rakesh Patel

**REPRESENTING:** Same

**SUBJECT:** Request a side yard variance for a new dwelling and a coverage variance for a new accessory structure to be located at 9664 Irving Lane in a PUD (Planned Unit Development) Zoning District.

**REMARKS:** This request is being made to give the petitioner permission to come within 5 ft. of the side property line, whereas 10 ft. is required, to construct a new dwelling. The petitioner is also asking permission to construct a new 943 sq. ft. accessory structure, whereas 765 sq. ft. of coverage is allowed.

The Sturbridge Architectural Review Board has reviewed and approved the variances requested.

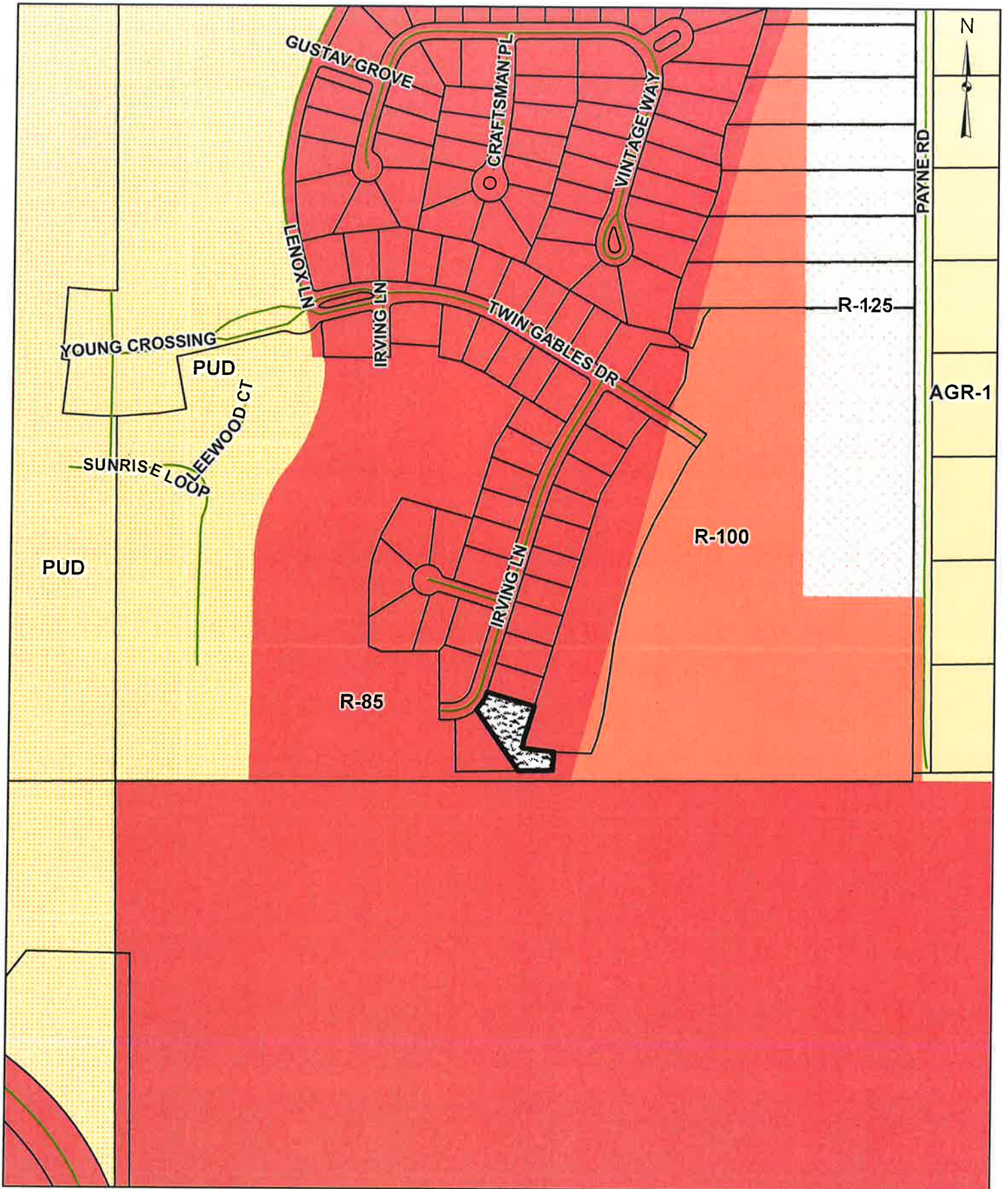
*The request is a 5 ft. side yard variance and 178 sq. ft. coverage variance.*

**COUNCIL DISTRICT: 8**

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

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





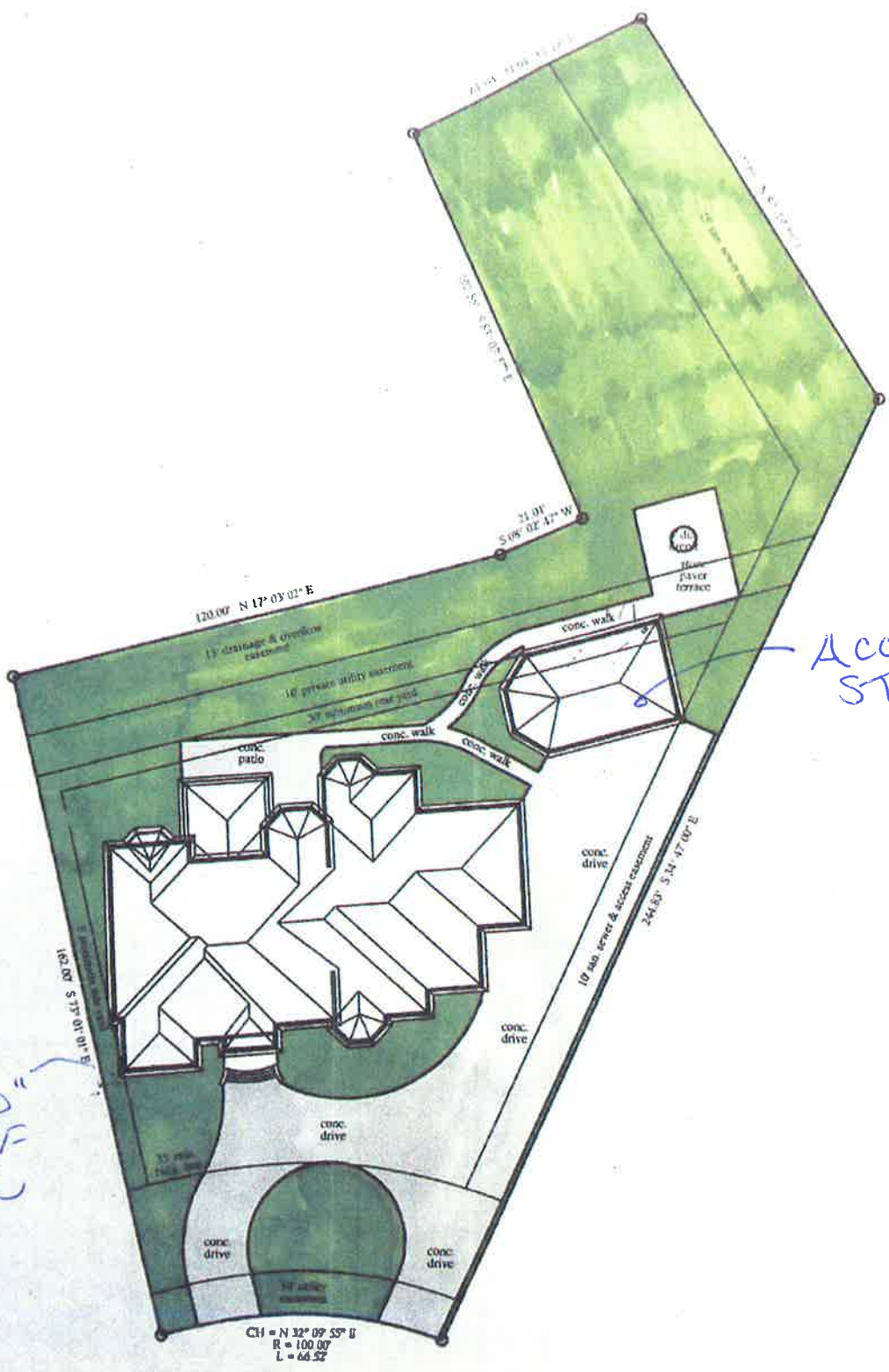
Site Location 

1 inch = 400 feet

Item No. 10A

5'-0" OFF PL

ACCESSORY STRUCTURE



IRVING LANE

LOT 20/C - PLAT 21  
STURBRIDGE SUBDIVISION  
MONTGOMERY, ALABAMA

site plan  
SCALE 1" = 20' 0"



Site

1 inch = 100 feet

Item 10C